EXHIBIT 8

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW JERSEY

- - -

IN RE: JOHNSON & :
JOHNSON TALCUM POWDER :
PRODUCTS MARKETING, :

SALES PRACTICES, AND : NO. 16-2738 PRODUCTS LIABILITY : (FLW) (LHG)

LITIGATION

:

THIS DOCUMENT RELATES : TO ALL CASES :

- - -

January 21, 2019

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Videotaped deposition of JUDITH ZELIKOFF Ph.D., taken pursuant to notice, was held at the Sheraton Mahwah Hotel, 1 International Boulevard, Mahwah, New Jersey, beginning at 9:11 a.m., on the above date, before Michelle L. Gray, a Registered Professional Reporter, Certified Shorthand Reporter, Certified Realtime Reporter, and Notary Public.

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2	EXHIBITS (Cont'd.)		2	DEPOSITION SUPPORT INDEX
3			3	DEFOSITION SOFFORT INDEX
4	NO DESCRIPTION DAGE		4	
5 6	NO. DESCRIPTION PAGE Zelikoff-38 Talcum Powder 469		5	Direction to Witness Not to Answer
0	Chronic Pelvic		6	PAGE LINE
7	Inflammation		O	None.
	(Merritt)		7	Tolle.
8	Zelikoff-39 Markers of 471		8	Request for Production of Documents
9	Inflammation 4/1		9	PAGE LINE
	And Risk			None.
10	(Wu)		10	
11	Zelikoff-40 Binder Labeled 480 Saad 2010 -		11	Stipulations
12	Zambelli 2013		12	PAGE LINE
13	Zelikoff-41 Binder Labeled 480			None.
	Production Documents		13	
14	Zalikoff 42 Rinder Labeled 490			Questions Marked
15	Zelikoff-42 Binder Labeled 480 Depositions		14	
	ACGIH 2010 -			PAGE LINE
16	Frank & Jorge 2011		15	None.
17	Zelikoff-43 Binder Labeled 480 IARC 1977 -		16	
18	IARC 1977 - IARC 2006		17	
19	Zelikoff-44 Binder Labeled 480		18	
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22	Marconi 1990		23	
23 24			24	
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1			1	_
2	EXHIBITS (Cont'd.)		1	THE VIDEOGRAPHER: We are on
3			2	the record. My name is Henry
4	No. Description D. Ge		3	Marte. I am a videographer with
5 6	NO. DESCRIPTION PAGE Zelikoff-46 Binder Labeled 480		4	Golkow Litigation Services.
O				Goikow Linganon Scrvices.
7				
/	Mattenklott 2007 - Rossi 2009		5	Today is January 21st, 2019,
8	Mattenklott 2007 - Rossi 2009 Zelikoff-47 Binder Labeled 480		5 6	Today is January 21st, 2019, and the time is 9:11 a.m.
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8 9	Mattenklott 2007 - Rossi 2009 Zelikoff-47 Binder Labeled 480 IARC 2009 - IARC, 2012 Zelikoff-48 Alterations in 481 Gene Expression In Human Mesothelial		5 6 7 8 9	Today is January 21st, 2019, and the time is 9:11 a.m. This video deposition is being held in Mahwah, New Jersey, in the matter of Talcum Powder Litigation.
8 9 10 11	Mattenklott 2007 - Rossi 2009 Zelikoff-47 Binder Labeled 480 IARC 2009 - IARC, 2012 Zelikoff-48 Alterations in 481 Gene Expression In Human Mesothelial Cells		5 6 7 8 9	Today is January 21st, 2019, and the time is 9:11 a.m. This video deposition is being held in Mahwah, New Jersey, in the matter of Talcum Powder
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8 9 10 11 12 13 14 15 16 17 18 19 20 21	Mattenklott 2007 - Rossi 2009 Zelikoff-47 Binder Labeled 480 IARC 2009 - IARC, 2012 Zelikoff-48 Alterations in 481 Gene Expression In Human Mesothelial Cells (Shukla) Zelikoff-49 Experts of Transcript 549 Of Robert Glenn 10/18/18 Zelikoff-50 Presence of 562 Talc in Pelvic Lymph Nodes of a Woman (Cramer) Zelikoff-51 Does Long-Term 567 Talc Exposure Have a Carcinogenic Effect		5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Today is January 21st, 2019, and the time is 9:11 a.m. This video deposition is being held in Mahwah, New Jersey, in the matter of Talcum Powder Litigation. The deponent today is Dr. Judith Zelikoff. All appearances will be noted on the stenographic record. Will the court reporter please administer the oath to the witness. JUDITH ZELIKOFF, Ph.D., having been first duly sworn, was

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	Page 14		Page 16
1	BY MR. HEGARTY:	1	plaintiffs' counsel for your services in
2	Q. Good morning, Dr. Zelikoff.	2	this litigation?
3	A. Good morning.	3	A. \$350 per hour.
4	Q. My name is Mark Hegarty. I	4	Q. Is there any difference in
5	represent the J&J defendants in this	5	your rate depending on whether it's
6	action. Can you please state your full	6	literature review, sitting for a
7	name for the record, please?	7	deposition, trial testimony?
8	A. Judith Terri Zelikoff.	8	A. Sitting for a deposition or
9	Q. Dr. Zelikoff, who is your	9	trial testimony is \$450.
10	current employer?	10	Q. Did anyone outside of
11	A. New York University School	11	plaintiffs' attorneys assist you in any
12	of Medicine, also known as NYU Langone	12	way with your expert report in this case?
13	Health.	13	A. No one with my expert
14	Q. What is your title at New	14	report.
15	York University School of Medicine?	15	Q. We were provided today a
16	A. Professor with tenure.	16	copy of several invoices that you have
17	Q. How long have you held that	17	prepared for your work in this case. I'm
18	position?	18	going to mark as Exhibit Number 1 a copy
19	A. Since 1982.	19	of those invoices.
20	Q. Do you have any separate	20	(Document marked for
21	personal consulting business for	21	identification as Exhibit
22	litigation purposes?	22	Zelikoff-1.)
23	A. Î do not.	23	BY MR. HEGARTY:
24	Q. Where do the fees go that	24	Q. Dr. Zelikoff, would you look
	Page 15		Page 17
1	you earn as an expert witness in this	1	at Exhibit Number 1 and tell me whether
2	case?	2	those are all the invoices that you have
3	A. They go to household	3	generated and provided to plaintiffs'
4	expenses as well as charity.	4	counsel in this case.
5	Q. But they go to you, correct?	5	A. It appears to be.
6	A. They go to me.	6	Q. Thank you. The last work
7	Q. Other than your work at New	7	noted is December 24, 2018.
8	York University and the fees that you're	8	Have you spent any
9	earning as part of this litigation, do	9	additional time on this case for which
10	you have any other sources of income?	10	you intend to bill plaintiffs' counsel
11	A. Just income that I have from	11	A. Yes, I have.
12	advisory boards or when you when	12	Q that's not reflected in
13	you sit on panels, they also pay you.	13	the invoices?
14	But other than that, no.	14	A. Yes, I have.
15	Q. Tell me an example of an	15	Q. How much additional time?
16	advisory board for which you receive	16	A. Approximately 25 to 30 hours
17	income.	17	by the end of this deposition. Not
18	A. It's on a very sporadic	18	including the deposition.
19	basis. And it depends on what it is.	19	Q. With regard to these
20	But the NIEHS, National Institute of	20	invoices, have they all been paid?
21	Environmental Health Sciences. And it's	21	A. Yes, they have.
22	an NIH institute. And I serve as a I	22	Q. Were you paid a retainer for
23	review grants for them.	23	your work on this case?
24	Q. What are you charging	24	A. I don't recall.

	Page 18		Page 20
1	Q. Dr. Zelikoff, as you know	1	representing plaintiffs?
2	we're here to take your deposition in the	2	A. No, sir.
3	case of In Re Johnson & Johnson Talc	3	Q. Did you agree to serve as an
4	Litigation, which is an MDL setting. Are	4	expert witness at the time of Ms. Emmel's
5	you aware you've been designated as an	5	first contact with you?
6	expert in that case?	6	A. No, sir. I told her that I
7	A. I am aware.	7	would have to do some literature
8	Q. When were you first	8	searching myself and come up with a
9	contacted about serving as an expert in	9	conclusion as to whether or not I felt
10	this case?	10	comfortable based on the science in
11	A. Early 2017. I was	11	serving in that capacity.
12	requested I was requested if I had	12	Q. At one point at what
13	interest in it.	13	point between at what point did you
14	Q. The first invoice that you	14	come to or did strike that.
15	provided has a date of April 5, 2017.	15	At what point did you agree
16	When in relation to the first invoice	16	to serve as an expert witness in this
17	entry was that initial contact?	17	litigation in relation to that first
18	A. To the best of my knowledge,	18	call?
19	it was January or February.	19	A. Probably about a month
20	Q. Of 2017?	20	later.
21	A. Of 2017, right.	21	Q. What did Ms. Emmel tell you
22	Q. Who contacted you?	22	at that first call about the litigation?
23	A. Jennifer Emmel.	23	MS. O'DELL: We just
24	Q. Did you know her before she	24	instruct I mean conversations,
	Page 19		Page 21
1	contacted you?	1	in terms of let me just strike
2	A. Not at all.	2	that and say don't discuss
3	Q. How was the contact made, by	3	anything that you communicated to
4	telephone?	4	us or we communicated to you after
5	A. By telephone.	5	you decided to become an expert in
6	Q. Apart from anything that	6	the case.
7	attorneys for plaintiffs may have told	7	BY MR. HEGARTY:
8	you, do you know how she came to contact	8	Q. Correct. I'm talking about,
9	you?	9	right now I'm talking about that initial
10	A. I'm not aware as to how she	10	phone call where you said you had not
11	came to contact me.	11	where you did not agree at that point in
12	Q. Did you have any prior	12	time to serve as an expert witness.
13	litigation work with her?	13	That's the only call I'm talking about.
14	A. Not with Ms. Emmel, no.	14	What did Ms. Emmel tell you
15	Q. How do you spell her name?	15	about the litigation or about what they
16	A. How do I	16	wanted you to do at that first call?
17	Q. Yes.	17	A. Well, I don't remember the
18	A spell her name?	18	details as it was about over a year ago.
19	Q. Yes.	19	But to the best of my knowledge and my
20	A. To the best of my knowledge,	20	recollection, it was just that they
21	it's E-M-M-E-L.	21	represented the plaintiffs in a case of
22	Q. Have you had any prior	22	ovarian cancer and its relationship to
23	litigation work with any of the lawyers	23	talcum powder products, and was I
	with whom you have met that are	24	familiar with it, did I know anything

	Page 22		Page 24
1	about it, and did I have did I have	1	the time that you agreed to serve as an
2	interest in being associated with, and I	2	expert witness in the case?
3	responded to her that I follow the	3	A. No, not not to my
4	science, that's all I do is I follow the	4	recollection.
5	science.	5	Q. Do you recall anything else
6	And if the science leads me	6	that you discussed with Ms. Emmel at that
7	in a direction that I would have interest	7	first call besides what we talked about
8	or that I felt comfortable in doing this,	8	already?
9	then I would let her know.	9	A. No, sir.
10	Q. What was your response when	10	Q. Did Ms. Emmel at that first
11	she asked you if you were familiar with	11	call tell you anything about plaintiffs'
12	the science of talc and ovarian cancer?	12	theory of causation or theory of
13	A. I was familiar with it at	13	mechanism of action or biologic
14	that time in a superficial manner. I	14	plausibility?
15	work in a very high-powered department of	15	A. No, sir, not at all.
16	environmental medicine. And we discuss	16	Q. Did she send you any
17	current events over lunch.	17	documents before you agreed to serve as
18	Q. When you say in a	18	an expert witness?
19	superficial manner, what do you mean?	19	A. Not to my knowledge. I
20	A. Certainly not to the depth	20	think the I'm sure the literature
21	that I'm aware of the issue currently.	21	reviews that I did at that time were
22	Q. Is it correct that you had	22	solely my own.
23	not formed any opinions as to any link	23	Q. Had you heard of lawsuits
24	between talc and ovarian cancer as of the	24	involving talc and ovarian cancer before
	Page 23		Page 25
1	time of that first call with Ms. Emmel?	1	being contacted by Ms. Emmel?
2	A. I had I had no opinion at	2	A. I actually had not.
3	that time.	3	Q. What then were your sources
4	Q. Did you have any discussions	4	of knowledge about talc and ovarian
5	with Ms. Emmel or any other lawyer	5	cancer as of the time of the first call?
6	representing plaintiffs between that	6	A. The media, whatever I might
7	initial phone call and when you agreed to	7	have read in the paper and any
8	serve as an expert witness?	8	discussions that might have been brought
9	A. To my to the best of my	9	up by my colleagues.
10	knowledge, I had not spoken to	10	Q. Do you recall any colleague
11	Ms. O'Dell. So to the best of my	11	who brought the anything up about talc
12	knowledge it was just Ms. Emmel.	12	and ovarian cancer?
13	Q. Again, focusing on that	13	A. I do not recall a specific
14	first phone call well, strike that.	14	colleague. Lunchroom chatter.
15	Had you had any further	15	Q. Did you form any opinions
16	discussion with Ms. Emmel between the	16	from the material you did read in the
17	time of that first call and the time you	17	media or from discussion with your
18	agreed to serve as an expert witness?	18	colleagues?
19	A. I'm sorry, between the time	19	A. I had no opinion.
20	of the first call and the time I agreed,	20	Q. And you were ultimately
21	could you repeat the question please?	21	retained and asked to give expert
22	Q. Sure. Did you have any additional discussions with Ms. Emmel	22 23	opinions in this case, correct?
24	between the time of the first call and	24	A. I was ultimately retained, yes, correct.
	between the time of the first call allu	4	yes, correct.

	Page 26		Page 28
1	Q. The lawyers for the	1	testify today?
2	plaintiffs in this case have paid you to	2	A. It would be in my invoice,
3	review materials and offer opinions,	3	but if I had to approximate that without
4	correct?	4	the knowledge of having that in front of
5	MS. O'DELL: Objection to	5	me, I would say 30 to 50 hours.
6	the form.	6	Q. What attorneys did you meet
7	THE WITNESS: Do I answer	7	with to prepare for your deposition here
8	the question?	8	today?
9	BY MR. HEGARTY:	9	A. I met with Ms. O'Dell and
10	Q. Yes.	10	Ms. Emmel.
11	MS. O'DELL: Yes.	11	Q. Anyone else?
12	THE WITNESS: They have	12	A. In a face-to-face.
13	remunerated me for my time and	13	Q. Face-to-face. There were
14	effort in reading hundreds of	14	phone calls as well?
15	articles.	15	A. There were one of one
16	BY MR. HEGARTY:	16	of the phone calls, it may have been two.
17	Q. The opinions that you've	17	I also Chris, and I'm not familiar
18	formulated were ultimately set out in	18	with your last name, sorry.
19	your November 16, 2018, MDL report,	19	Chris from the
20	correct?	20	MS. O'DELL: Tisi.
21	A. That's correct.	21	THE WITNESS: Tisi? Chris
22	Q. The hours you spent in	22	Tisi and Alistair
23	preparing that report are reflected in	23	MR. FINDEIS: Findeis.
24	the invoices we marked as Exhibit	24	MS. O'DELL: Findeis.
	Page 27		Page 29
1		1	THE WITNESS: Findeis was
1	Number 1, correct? A. I don't recall what exhibit	1	
2 3	number it is, but it is in one of the	2 3	on the phone, and there may have
4	invoices.	4	been one or two others, but I don't recall.
5		5	BY MR. HEGARTY:
6	Q. A description that you have	6	Q. Have you spoken with any of
7	in your invoices includes report	7	* *
8	preparation. Is that a description which	8	your colleagues about your work in this litigation?
9	describes your the time you spent	9	e
10	preparing your report? A. Yes, it is.	10	A. What can you explain what you mean by colleagues?
11		11	
12	Q. Every entry under report preparation would be the time that you	12	Q. Well, you mentioned colleagues in discussing tale and ovarian
13	spent preparing your report?	13	cancer. So those colleagues.
14		13	
15	A. Yes, that's true. That	15	
16	could include reading material, searching	16	faculty?
17	for material or writing. Q. The invoices we marked as an	17	Q. Correct.
18	exhibit also reflect the time you spent	18	A. And the question again,
19		18	please?
	with lawyers for plaintiffs; is that		Q. Sure. Have you spoken with
20	correct?	20 21	other faculty at New York University
21 22	A. It does.	21	regarding your work on this litigation?
23	Q. With regard to your	23	A. No, I have not.
24	deposition here today, how much time did		Q. Have you told any faculty at
∠4	you spend preparing to come here and	24	New York University of your opinions in

	Page 30		Page 32
1	this case?	1	A. Yes.
2	A. I have not.	2	Q. Does that continue to be the
3	Q. Have you told anyone at NYU	3	extent of any discussion you had with any
4	School of Medicine of your opinions?	4	students at New York University about
5	A. I have not. I have	5	talc and ovarian cancer?
6	discussed, not my opinion, but in my	6	A. Well, right now we're on
7	class, my toxicology course, to graduate	7	break. I I probably will I will
8	students at NYU.	8	continue after the deposition to also
9	I have, in my course on	9	talk talk with them and list it as
10	speaking about reproductive toxicology	10	a as a risk factor for ovarian cancer.
11	and developmental toxicology, in	11	Q. What about strike that.
12	discussing risk factors, two graduate	12	Did you have discussions,
13	students I have discussed I've	13	that same discussion with toxicology
14	included talc as a potential risk factor.	14	students between I should say before
15	Q. When did you start including	15	you were contacted by Ms. Emmel and
16	talc as a potential risk factor in that	16	today, have you had continued to have
17	course?	17	that same discussion with your toxicology
18	A. Prior if you're asking me	18	students?
19	was it prior to or prior to my	19	A. I've not
20	retainment, it was prior to my	20	MS. O'DELL: Objection to
21	retainment.	21	form.
22	Q. So prior to your	22	Doctor, give me just a
23	retainment let me let me word it	23	moment after the question if I
24	differently.	24	need to object. Thank you.
	Page 31		Page 33
1	Prior to the call from	1	THE WITNESS: Shall I
2	Ms. Emmel, you had included in your	2	continue?
3	course to your toxicology course a	3	BY MR. HEGARTY:
4	discussion about talc and ovarian cancer?	4	Q. Sure.
5	A. Not a discussion, just	5	A. Could you repeat the
6	didactic lecture saying that this is the	6	question, please?
7	female reproductive tract. Ovarian	7	Q. Sure. You mentioned that
8	cancer is part of an adverse outcome of	8	the discussion that we just went over was
9	disease. It's very prevalent. And there	9	before your contact by Ms. Emmel,
10	are factors including early menarche,	10	correct?
11	late menopause, and there's some issues	11	A. I said that it started. My
12	currently on the table as to whether	12	lectures started prior to my conversation
13	cosmetic talc also plays a role.	13	with Ms. Emmel.
14	No opinion was given to my	14	Q. What was what was the
15	class. Just information.	15	name of the course that you had that
16	Q. Do you have any materials	16	lecture?
17	for your course, whether in PowerPoint	17	A. Organ system toxicology.
18	form or other form that sets out that	18	Q. Have you taught that course
19	discussion you just had?	19	since your call with Ms. Emmel?
20	A. No.	20	A. Actually it's coming up
21	Q. Is that the extent of the	21	this this semester, starting the 30th
22	discussion that you had with your	22	of January.
23	toxicology students about talc and	23	Q. So between as of the
24	ovarian cancer?	24	first part of 2017 through today you have

	Page 34		Page 36
1	not taught that same course?	1	Exhibit B. It should be the very last
2	A. It's taught every other	2	page of that document.
3	year.	3	A. Thank you.
4	Q. Have you communicated with	4	Q. The very last page of
5	anyone outside of plaintiffs' counsel in	5	Exhibit B of your report, you list a
6	this case about your opinions in your	6	number of expert reports, correct?
7	report?	7	A. I do. Deposition and
8	A. Not about my opinions, no.	8	exhibits.
9	Q. Have you talked with anyone	9	Q. Have you reviewed any other
10	outside of plaintiffs' counsel in this	10	expert reports strike that.
11	case about your report?	11	Did you review any other
12	A. Only to say that I to my	12	expert reports for purposes of your
13	friends, when I refuse to go anywhere	13	expert report besides those listed here?
14	with them, because I have to stay home	14	A. No, sir. Unless
15	and work, only to say that I'm working on	15	Dr. Longo, December 2018 supplement, that
16	a report.	16	was a report, and I did review that.
17	Q. Have you discussed the	17	Q. We were provided today with
18	litigation or your report with any other	18	a copy of a report of Longo and Rigler,
19	experts retained by the plaintiffs in	19	January 15, 2019. And I'm going to mark
20	this case?	20	that as Exhibit 3.
21	A. No, sir, I have not.	21	(Document marked for
22	Q. Have you reviewed any of the	22	identification as Exhibit
23	other plaintiffs' experts' MDL reports in	23	Zelikoff-3.)
24	this litigation besides those referenced	24	BY MR. HEGARTY:
	Page 35		Page 37
	2		rage 37
1		1	
1 2	in your report?	1 2	Q. Is that the supplemental
2	in your report? A. I reviewed Dr. Dydek's. I	2	Q. Is that the supplemental report that you described for us?
2	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs'	2 3	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an
2 3 4	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses?	2 3 4	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical
2 3 4 5	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in	2 3 4 5	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical
2 3 4 5 6	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it	2 3 4 5 6	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc
2 3 4 5	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list	2 3 4 5	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated
2 3 4 5 6 7 8	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list	2 3 4 5 6 7	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct?
2 3 4 5 6 7	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley.	2 3 4 5 6 7 8	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir.
2 3 4 5 6 7 8 9	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you	2 3 4 5 6 7 8 9	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this
2 3 4 5 6 7 8 9	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end	2 3 4 5 6 7 8 9 10	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report?
2 3 4 5 6 7 8 9 10	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need	2 3 4 5 6 7 8 9	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January.
2 3 4 5 6 7 8 9 10 11 12 13	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now.	2 3 4 5 6 7 8 9 10 11 12	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to
2 3 4 5 6 7 8 9 10 11	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy.	2 3 4 5 6 7 8 9 10 11	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for	2 3 4 5 6 7 8 9 10 11 12 13	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the
2 3 4 5 6 7 8 9 10 11 12 13	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for identification as Exhibit	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the Q. Is the 21st.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the Q. Is the 21st. A. Today is the 21st. I would
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for identification as Exhibit Zelikoff-2.) BY MR. HEGARTY:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the Q. Is the 21st. A. Today is the 21st. I would say somewhere between the 15th and the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for identification as Exhibit Zelikoff-2.) BY MR. HEGARTY: Q. I'm marking Exhibit 2 Dr.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the Q. Is the 21st. A. Today is the 21st. I would say somewhere between the 15th and the 21st. Actually it was this past Saturday
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for identification as Exhibit Zelikoff-2.) BY MR. HEGARTY: Q. I'm marking Exhibit 2 Dr. Zelikoff's report that was provided to us	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the Q. Is the 21st. A. Today is the 21st. I would say somewhere between the 15th and the 21st. Actually it was this past Saturday as it was placed in my Dropbox and I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for identification as Exhibit Zelikoff-2.) BY MR. HEGARTY: Q. I'm marking Exhibit 2 Dr. Zelikoff's report that was provided to us in this case.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the Q. Is the 21st. A. Today is the 21st. I would say somewhere between the 15th and the 21st. Actually it was this past Saturday as it was placed in my Dropbox and I could not open my Dropbox.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for identification as Exhibit Zelikoff-2.) BY MR. HEGARTY: Q. I'm marking Exhibit 2 Dr. Zelikoff's report that was provided to us	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the Q. Is the 21st. A. Today is the 21st. I would say somewhere between the 15th and the 21st. Actually it was this past Saturday as it was placed in my Dropbox and I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	in your report? A. I reviewed Dr. Dydek's. I reviewed did you say the plaintiffs' witnesses? Q. Yeah, let me let me in your report and I can we can get it out here in a moment. But you list the in your list of reports, you list the report of Michael Crowley. A. I'm sorry, sir. Can you Q. It's in Exhibit B at the end of Exhibit B of your report. If you need a copy I can give it to you now. A. Can you give me a copy. (Document marked for identification as Exhibit Zelikoff-2.) BY MR. HEGARTY: Q. I'm marking Exhibit 2 Dr. Zelikoff's report that was provided to us in this case. A. Thank you. And what page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Is that the supplemental report that you described for us? A. It is, sir. It's an analysis Johnson & Johnson Historical Product Containers and Imerys' Historical Railroad Car Samples, etc Q. That report is dated January 15th, 2019, correct? A. Yes, sir. Q. When did you receive this report? A. In January. Q. When in relation to January 15, 2019? A. Today is the Q. Is the 21st. A. Today is the 21st. I would say somewhere between the 15th and the 21st. Actually it was this past Saturday as it was placed in my Dropbox and I could not open my Dropbox. Q. When did you review Exhibit

	Page 38		Page 40
1	Q. Yes.	1	A. The attorneys.
2	A. I received it on Saturday.	2	Q. I'm going to show you
3	I reviewed it on Sunday.	3	A. Plaintiffs' attorneys.
4	Q. How much time did you spend	4	(Document marked for
5	reviewing this additional Longo and	5	identification as Exhibit
6	Rigler report?	6	Zelikoff-4.)
7	A. Sorry. About three hours.	7	BY MR. HEGARTY:
8	Q. Did you read every page?	8	Q. I'm going to show you what I
9	A. I read I reviewed each	9	marked as Exhibit Number 4. This is the
10	page but I did not scrutinize every page.	10	MDL report provided to us for Michael
11	Q. Did you read the entirety of	11	Crowley.
12	the text in this supplemental report?	12	A. Mm-hmm.
13	A. May I see the report,	13	Q. Did you read the entirety of
14	please.	14	that report?
15	MS. O'DELL: Objection.	15	A. I cannot say that I read the
16	Asked and answered. That's the	16	entirety of this report. I reviewed the
17	same question.	17	report.
18	THE WITNESS: Should I	18	Q. Okay. Well, your report is
19	answer?	19	dated November 16, 2018. And that report
20	MS. O'DELL: Yes, you may.	20	is dated November 12, 2012, 2018.
21	THE WITNESS: I reviewed the	21	When did you receive the report by
22	text going up to Page 32 with	22	Dr. Crowley in relation to the date on
23	greater rigor than I did the	23	the first page, November 12th.
24	tables.	24	A. I really cannot say with
	Page 39		Page 41
1	BY MR. HEGARTY:	1	certainty. It seems to me that I
2	Q. When you say "reviewed,"	2	received this prior to my report
3	does that mean that you read every all	3	conclusion.
4	the words on every page up to Page 32?	4	Q. There are 212 pages there.
5	A. I did.	5	Again, did you read every word of every
6	Q. You included in the list of	6	page?
7	reports that you reviewed, the report of	7	A. No, sir. Did I look at
8	Michael Crowley, correct?	8	every word of every page? Yes.
9	A. Every one of the reports	9	Q. No, my question is did you
10	were not read with the read with	10	read every word of every page.
11	the sorry, I'm caught up in the	11	A. My answer is
12	microphone were not read with the same	12	MS. O'DELL: She answered
13	intensity and duration of time put into	13	your question.
14	it. I reviewed it. To what extent, I'm	14	THE WITNESS: I looked at
15	not clear at this moment.	15	every page.
16	Q. The first report that you	16	BY MR. HEGARTY:
17	list in the list of reports in Exhibit B	17	Q. Did you read all the
18	is the expert report of Michael M.	18	references that he has in that report?
19	Crowley, correct?	19	A. I looked at the references.
20	A. It's written that way, yes.	20	Q. Did you actually pull the
21	Q. Did you prepare this list of	21	references and read the citations that he
22	reports?	22	refers to?
23	A. I did not.	23	A. No, sir. I did my own my
24	Q. Who did?	24	own literature search in terms of

	Page 42		Page 44
	Page 42	_	Page 44
1	fragrance and chemicals within the	1	Dr. Crowley's report. And with that I
2	fragrances. And I did receive that as an	2	I used the case number. I reviewed each
3	exhibit this morning.	3	one of the chemicals in terms of their
4	Q. I'm sorry. What did you	4	potential carcinogenicity by, number one,
5	say?	5	putting writing down the chemical,
6	A. I said I did my own	6	looking to see if there were other
7	literature search in terms of fragrances,	7	structures or chemicals or chemicals
8	and I think you received a copy of that	8	that had similar names.
9	this morning. In that report that I did,	9	I reviewed through Google,
10	that I prepared, I was assessing	10	through PubMed and through Tox Lit and
11	carcinogenicity of each of the compounds.	11	IARC reports to see whether or not there
12	Q. Going back to the Crowley	12	was a listing for them in terms of
13	report, did you read all the tables in	13	carcinogenicity. And that is the result.
14	that report?	14	This is the result.
15	A. I did not read. I reviewed.	15	Q. When did you do all of that?
16	Q. What is	16	A. I did that post the
17	A. I looked at them.	17	report
18	Q. Okay. What is the	18	Q. When sorry.
19	difference between reading and reviewing	19	A as part of my preparation
20	to you?	20 21	for the deposition.
21	A. In my mind, reading is		Q. When did you do it post
22	in-depth assessment, and whereas	22 23	report in relation to today?
23 24	reviewing is looking over. Reading is more intense.	23 24	A. One to two weeks ago.
		24	Q. Did you review strike
	Page 43		Page 45
1	Q. You pointed to us pointed	1	that.
2	to us strike that.	2	Did you read all the MSDSes
3	You pointed to the document	3	that you list in Exhibit Number 5?
4	that was provided to us this morning,	4	A. I did not read all of the
5	which you say is what I think you said	5	MSDSes. But I did look at them. I
6	reflects your own literature search with	6	reviewed them to make sure they were
7	regard to fragrances; is that correct?	7	accurate.
8	A. Mine and a student.	8	Q. Did you did you look at
9	Q. What student?	9	and review every MSDS listed in Exhibit
10	A. A graduate student in my	10	Number 5?
11	laboratory.	11	A. No, sir.
12	(Document marked for	12	Q. I'm sorry?
13	identification as Exhibit	13	A. No, sir.
14	Zelikoff-5.)	14	Q. Approximately how many did
15	BY MR. HEGARTY:	15 16	you look at in review?
16	Q. I've marked as Exhibit	16	A. I would say I looked at
17	Number 5 the document that was produced	17 18	perhaps half. Looked looked at, not
18	to us this morning. Can you tell me what	18 19	reviewed.
19	Exhibit Number 5 is. A. Exhibit Number 5 is is a	20	Q. But with regard to your
20 21		21	analysis of the fragrances that are reportedly in Johnson's Baby Powder, you
22	list of the chemicals that part of	21	*
23	which, if not in its entirety, were taken from the fragrances that were and the	23	did not do any of your own analysis as of
1 / 3	from the fragrances that were and the	∠ ⊃	the time of your report, correct?
24	chemicals that were listed in	24	A. I

	Page 46		Page 48
1	MS. O'DELL: Objection to	1	THE WITNESS: I
2	the form.	2	post-report, I did my own search.
3	THE WITNESS: I did no	3	BY MR. HEGARTY:
4	analysis except to gather the	4	Q. But my question was, before
5	information that is out there by	5	your report, with regard to Dr. Crowley's
6	reputable organizations.	6	report, did you actually pull the
7	BY MR. HEGARTY:	7	literature references that he cites and
8	Q. Well, did you gather that	8	read them yourself?
9	information before you completed your	9	A. No, sir.
10	expert report?	10	Q. You also make reference to
11	A. I did this after my expert	11	reviewing Dr. Longo's report, MDL report,
12	report.	12	which is dated November 14, 2018. That's
13	Q. And my question was, before	13	in the last page of Exhibit Number B. Do
14	your expert report, did you do any of	14	you see that?
15	your own analysis of the fragrances that	15	A. I I see that, yes.
16	we are listed in Exhibit Number 5?	16	Q. Did you read every page of
17	MS. O'DELL: Objection to	17	that report?
18	form.	18	A. No, sir, I did not. But I
19	THE WITNESS: I'm not sure	19	did read every page of the December 2018
20	what you mean by analysis.	20	Longo mass supplement report.
21	BY MR. HEGARTY:	21	Q. Well, focusing on the
22	Q. Well, did you do any of your	22	November 14, 2018, report, that report is
23	own research, review of the literature,	23	over 2,000 pages. Are you aware of that?
24	anything with regard to fragrances as of	24	A. Yes, sir.
	Page 47		Page 49
1	the time of your signing of your expert	1	Q. Did you read all 2,000
2	report November 16, 2018?	2	pages?
3	A. I very briefly looked up	3	A. No, sir. I did not.
4	limonene and eugenol. And it wasn't in	4	Q. Did you read any of those
5	regards to this case. It was in regards	5	2,000 pages?
6	to work that I do with electronic	6	A. I reviewed several of those
7	cigarettes. They are being used as	7	pages.
8	flavorants.	8	Q. Okay. How about the rest of
9	Q. Was that the extent of your	9	the reports that are listed there? Did
10	review of the fragrances as of the time	10	you read every page of the reports that
11	of your expert report, November 16, 2018?	11	are listed there?
12	MS. O'DELL: Object to form.	12	A. I read every page of the
13	You may answer.	13	Dr. Thomas Dydek's report. And I read
14	THE WITNESS: Whatever is in	14	two-thirds of Dr. Plunkett's.
15	the report from Dr. Crowley that	15	Q. As to the rest, did you
16	listed, I looked at those.	16	review the remaining reports?
17	BY MR. HEGARTY:	17	MS. O'DELL: Object to the
18	Q. But as you indicated, you	18	form.
19	did not read all the citations, the	19	BY MR. HEGARTY:
20	literature resources that Dr. Crowley	20	Q. Or not look at them at all?
21	cites in his report and review them	21	A. I glanced over them.
22	yourself?	22	Q. Do you recall if you were
23	MS. O'DELL: Object to the	23	ever provided any draft reports from any
24	form.	24	
Z '	IUIIII.	<u> </u>	of the plaintiffs' experts in the MDL,

	Dogo FO		Dogo F2
	Page 50		Page 52
1	where you understood them to be drafts?	1	Q. Is it correct that the
2	A. I never received anything	2	binders to your right are copies of
3	that I understood to be a draft document.	3	everything in under the listing
4	(Document marked for	4	under the heading of Materials and Data
5	identification as Exhibit	5	Considered?
6	Zelikoff-6.)	6	MS. O'DELL: Object to the
7	BY MR. HEGARTY:	7	form.
8	Q. Dr. Zelikoff, I'm marking	8	THE WITNESS: I cannot say
9	Exhibit Number 6 a copy of your	9	that every single paper in here is
10	deposition notice for purposes of today's	10	in there. Maybe in something that
11	deposition.	11	I have looked up, but I can't say
12	A. Yes, sir. I see it.	12	with likely certainty that yes,
13	Q. Did you have a chance to	13	everything is in there. Although
14	look at that before today?	14	I cannot tell you that I reviewed
15	A. I did not.	15	every single one and matched it to
16	Q. What materials did you bring	16	this page.
17	with you to the deposition today?	17	BY MR. HEGARTY:
18	MS. O'DELL: I would just	18	Q. Who prepared who prepared
19	reassert that the objections that	19	the document Materials and Data
20	plaintiffs have served regarding	20	Considered?
21	certain of the requests and would	21	A. What do you mean by
22	state that Dr. Zelikoff has	22	prepared?
23	brought binders of her cited	23	Q. Did you prepare it?
24	materials, and then I believe I	24	MS. O'DELL: Object to the
	Page 51		Page 53
1	gave you a jump drive of all the	1	form.
2	reference materials.	2	THE WITNESS: I supplied
3	BY MR. HEGARTY:	3	data, references, and in
4	Q. Let me go back to my	4	coordination and complementation
5	question. Sitting to your right are	5	with the plaintiffs' attorneys,
6	binders of materials. Do you know what	6	they prepared this.
			* * *
7	those binders are, Dr. Zelikoff?	7 8	(Document marked for identification as Exhibit
9	A. I do know what those black	9	
10	binders are to my right.	10	Zelikoff-7.)
11	Q. What are they?	11	BY MR. HEGARTY:
	A. They are binders containing		Q. I'm marking as Exhibit
12	materials, papers, literature	12	Number 7 a flash drive that we were
13	literature, in alphabetical order of	13	provided here today. Do you know what
14	papers that are relevant to my to my	14	Exhibit Number 7 is?
15	testimony, as well as production	15	A. I do not.
16	documents which include letters, reports	16	Q. Do you know what's contained
17	of internal documents.	17	on the flash drive?
18	Q. Your Exhibit B in your	18	A. I have not seen the data
19	report starts with a page Materials and	19	within the flash drive.
20	Data Considered. Do you see that?	20	MS. O'DELL: I'll just
21	A. Page please?	21	represent that I prepared the
22	Q. It's Exhibit B.	22	flash drive and the flash drive
23	A. Materials and data	23	has all the materials on
24	considered, I have it, yes, sir.	24	Exhibit B, on behalf of

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1			
1	Dr. Zelikoff.	1	Q. You had not read that
2	BY MR. HEGARTY:	2	manuscript though at the time you
3	Q. Are the materials you also	3	completed your report, correct?
4	cited I'm sorry. Are the references	4	A. No, I did not, sir.
5	you also cited in the body of your report	5	Q. So that manuscript did not
6	contained in those notebooks to your	6	inform the opinions set out in your
7	knowledge?	7	report, correct?
8	A. To my knowledge, they are.	8	MS. O'DELL: Objection to
9	Q. Are the materials that	9	form.
10	that are in those notebooks materials you	10	THE WITNESS: Do I answer?
11	reviewed or had access to prior to	11	MS. O'DELL: Yes, you may
12	completion of your expert report?	12	answer.
13	A. Prior to the completion.	13	THE WITNESS: Okay.
14	However I also prepared my own. So in	14	MS. O'DELL: Yes.
15	going through in coming to my	15	THE WITNESS: I I had
16	conclusion and opinion, I also went	16	access to an abstract from the
17	through the literature using various	17	same author with emerging results
18	websites including, as I said Tox Lit,	18	that was brought forward in larger
19	Google and PubMed. And I arranged my	19	context and in greater detail in
20	documents that I thought were relevant	20	the publication. So I had so
21	after reviewing all of the ones that came	21	the abstract did go into my
22	up in my literature search, and I	22	thinking.
23	reviewed the abstracts and if I found	23	BY MR. HEGARTY:
24	them to be relevant, I placed them in	24	Q. The manuscript though we
	Page 55		Page 57
1	in order and in bins, in silos, in	1	marked as Exhibit 8 did not go into your
2	different areas, and I prepared my own.	2	thinking?
3	Q. We were also provided today,	3	A. The manuscript no, sir,
4	this morning, what I've marked as Exhibit	4	it did not. It did post my report and it
5	Number 8 which is a manuscript from a	5	added supplementary and compelling
6	publication called Reproductive Sciences.	6	evidence for my opinion.
7	The lead author, Ghassam Saed.	7	(Document marked for
8	(Document marked for	8	identification as Exhibit
9	identification as Exhibit	9	Zelikoff-9.)
10	Zelikoff-8.)	10	BY MR. HEGARTY:
11	BY MR. HEGARTY:	11	Q. I've also marked as Exhibit
12	Q. Can you tell me when you	12	Number 9 another document we were
13	received that manuscript?	13	provided this morning which is which
14	A. I received the manuscript in	14	is called Draft Screening Assessment.
15	December.	15	When did you receive this
16	Q. Approximately when in	16	draft screening assessment?
17	December?	17	A. January.
18	A. Let me say that it was	18	Q. Approximately when in
19	either December or early January. I	19	January?
20	cannot be more exact than that.	20	A. About two weeks ago.
21	Q. Have you read that	21	Q. Who what was your source
22	manuscript?	22	for getting that document?
23	A. Have I yes, I've read	23	A. Ms. Emmel.
	this manuscript.	24	Q. Did Ms. Emmel also provide
24	this manuscript.		

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1	the the Saed manuscript?	1	that is a supplement of that or a an
2	A. Yes, sir, she did.	2	adjacent document.
3	Q. So neither the Canadian	3	Q. Do you have that document
4	assessment nor Dr. Saed's manuscript were	4	with you?
5	materials you found on your own, correct?	5	A. Perhaps. I do, yes, sir.
6	A. Correct.	6	Q. May I see it, please.
7	Q. Do you know how Ms. Emmel	7	(Document marked for
8	came to receive an unpublished	8	identification as Exhibit
9	manuscript, apart from any discussions	9	Zelikoff-10.)
10	that you had with plaintiffs' counsel?	10	BY MR. HEGARTY:
11	A. Actually, which manuscript	11	Q. I'm going to mark as Exhibit
12	are you referring to?	12	Number 10 what you just handed to me,
13	Q. Well, there's only one	13	which is titled "Systematic Review and
14	manuscript in front of you?	14	Meta-Analysis of the Association Between
15	A. Reproductive Science	15	Perineal Use of Talc and Risk of Ovarian
16	Q. Dr yes.	16	Cancer," lead author Taher.
17	A Dr. Saed?	17	When did you receive Exhibit
18	To my knowledge, this has	18	Number 10?
19	and seeing the cover letter that was	19	MS. O'DELL: Did we skip
20	associated with this, this is not a	20	nine?
21	manuscript. This is an in-press	21	MR. HEGARTY: Exhibit 9 is
22 23	manuscript, and there is a very large difference.	22 23	the draft screening assessment.
24		24	MS. O'DELL: Okay. I'm
24	Q. Okay. Apart from anything	24	sorry. I had that as Number 8.
,	Page 59	,	Page 61
1	that counsel for plaintiffs may have told	1	MR. HEGARTY: Number 8 is
2	you, do you know how this manuscript	2	the manuscript by Dr. Saed.
3 4	became available for you to review?	3 4	MS. O'DELL: Okay. I'm
5	A. I have no knowledge.	5	sorry. BY MR. HEGARTY:
6	Q. With regard to the Canadian sorry, the draft screening	6	Q. Going back to my question,
7	assessment, did you read the entirety of	7	when did you receive the article by
8	this assessment?	8	Taher?
9	A. I'm looking for it right	9	A. At the same time that I
10	now.	10	received the health the screening
11	Q. Sorry.	11	health assessment from Health Canada.
12	A. Thank you. Except for the	12	Q. Who provided it to you?
13	references, I read the entirety of the	13	A. Ms. Emmel.
14	text.	14	Q. Did you read the entirety of
15	Q. Did you pull the references	15	that document?
16	and review the references themselves?	16	A. I read the entirety of this
17	A. No, sir, I did not.	17	document minus the references.
18	Q. There are also supplemental	18	Q. Did you pull the literature
19	materials associated with this or do	19	cited in the Taher article and review it
20	you know whether there are supplemental	20	yourself?
21	materials associated with this draft, or	21	A. I may have looked at
22	with this draft screening assessment?	22	references that have were on the
23	A. I was also provided a	23	reference list of the Saed document, but
24	document by Dr. Taher. I'm not sure if	24	I did not go through each individual

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1	reference in the document and pull it	1	Q. Have you reviewed any
2	specifically.	2	materials since completion of your report
3	Q. The Taher article strike	3	for purposes of your work on this case
4	that.	4	that we have not talked about this
5	You were provided the Taher	5	morning?
6	article after you completed your expert	6	A. I reviewed since my
7	report in this case, correct?	7	report, I reviewed Dr. Pier's deposition.
8	A. That's correct.	8	Is that what you mean?
9	Q. So it's correct that it did	9	Q. Dr. Julie Pier's deposition?
10	not inform your opinions in your report,	10	A. Yes. Three-quarters of it.
11	correct?	11	It is a very long deposition.
12	A. It informed my opinions	12	Q. The second-to-last page of
13	let me say that it added to my opinions	13	Exhibit Number B under depositions makes
14	following the writing of my report. It	14	reference to depositions and exhibits of
15	supported my position.	15	Julie Pier dated 9/12 to 9/13/2018.
16	Q. Did the assessment conclude	16	Do you see that?
17	that talc use causes ovarian cancer?	17	A. Sorry, sir. Fifth line
18	Strike that. Let me strike that	18	down, deposition/exhibits of Julie Pier.
19	question. We'll come back to that.	19	Q. Is that the deposition to
20	(Document marked for	20	which you just referred?
21	identification as Exhibit	21	A. To the best of my knowledge.
22	Zelikoff-11.)	22	Q. Anything else that you have
23	BY MR. HEGARTY:	23	reviewed for purposes of your work on
24	Q. I'm going to mark next as	24	this case that we have not talked about
	Page 63		Page 65
1	Exhibit Number 11 a copy of the Exhibit C	1	Page 65 this morning or made reference to?
2	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report.	2	
2 3	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report. Did you prepare Exhibit	2	this morning or made reference to? A. I reviewed Dr. Hopkins' report.
2 3 4	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report. Did you prepare Exhibit Number C?	2 3 4	this morning or made reference to? A. I reviewed Dr. Hopkins' report. Q. Let me ask it different.
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2 3 4 5 6	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report. Did you prepare Exhibit Number C? A. If you mean by preparation, did I write it, did I prepare the	2 3 4 5 6	this morning or made reference to? A. I reviewed Dr. Hopkins' report. Q. Let me ask it different. Anything that you have reviewed that's either not listed somewhere in your
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report. Did you prepare Exhibit Number C? A. If you mean by preparation, did I write it, did I prepare the summary, no, sir I did not. Q. Do you know who prepared it? A. From my reading, it appears as though the attorneys may have prepared it based upon to my knowledge, based upon other deponents. Q. Other than the documents that we have talked about that are laid out before us, did you bring any other documents with you to the deposition? A. Other than the documents that are to my right in the folders, the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	this morning or made reference to? A. I reviewed Dr. Hopkins' report. Q. Let me ask it different. Anything that you have reviewed that's either not listed somewhere in your report or we have not marked as an exhibit? A. To the best of my knowledge, no. Q. With regard to Exhibit C, did you review all the documents that are referenced in Exhibit Number C? A. Can I see that, please. Q. I think you still have a copy in front of you. A. Okay. Q. It's Exhibit Number 11,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report. Did you prepare Exhibit Number C? A. If you mean by preparation, did I write it, did I prepare the summary, no, sir I did not. Q. Do you know who prepared it? A. From my reading, it appears as though the attorneys may have prepared it based upon to my knowledge, based upon other deponents. Q. Other than the documents that we have talked about that are laid out before us, did you bring any other documents with you to the deposition? A. Other than the documents that are to my right in the folders, the health assessment from the the screening health assessment from Canada,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	this morning or made reference to? A. I reviewed Dr. Hopkins' report. Q. Let me ask it different. Anything that you have reviewed that's either not listed somewhere in your report or we have not marked as an exhibit? A. To the best of my knowledge, no. Q. With regard to Exhibit C, did you review all the documents that are referenced in Exhibit Number C? A. Can I see that, please. Q. I think you still have a copy in front of you. A. Okay. Q. It's Exhibit Number 11, which is marked Exhibit which is Exhibit C. Did you actually pull the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report. Did you prepare Exhibit Number C? A. If you mean by preparation, did I write it, did I prepare the summary, no, sir I did not. Q. Do you know who prepared it? A. From my reading, it appears as though the attorneys may have prepared it based upon to my knowledge, based upon other deponents. Q. Other than the documents that we have talked about that are laid out before us, did you bring any other documents with you to the deposition? A. Other than the documents that are to my right in the folders, the health assessment from the the screening health assessment from Canada, Dr. Taher's paper, a letter this is in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	this morning or made reference to? A. I reviewed Dr. Hopkins' report. Q. Let me ask it different. Anything that you have reviewed that's either not listed somewhere in your report or we have not marked as an exhibit? A. To the best of my knowledge, no. Q. With regard to Exhibit C, did you review all the documents that are referenced in Exhibit Number C? A. Can I see that, please. Q. I think you still have a copy in front of you. A. Okay. Q. It's Exhibit Number 11, which is marked Exhibit which is Exhibit C. Did you actually pull the documents and confirm the accuracy of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report. Did you prepare Exhibit Number C? A. If you mean by preparation, did I write it, did I prepare the summary, no, sir I did not. Q. Do you know who prepared it? A. From my reading, it appears as though the attorneys may have prepared it based upon to my knowledge, based upon other deponents. Q. Other than the documents that we have talked about that are laid out before us, did you bring any other documents with you to the deposition? A. Other than the documents that are to my right in the folders, the health assessment from the the screening health assessment from Canada, Dr. Taher's paper, a letter this is in the documents to my right, a letter from	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this morning or made reference to? A. I reviewed Dr. Hopkins' report. Q. Let me ask it different. Anything that you have reviewed that's either not listed somewhere in your report or we have not marked as an exhibit? A. To the best of my knowledge, no. Q. With regard to Exhibit C, did you review all the documents that are referenced in Exhibit Number C? A. Can I see that, please. Q. I think you still have a copy in front of you. A. Okay. Q. It's Exhibit Number 11, which is marked Exhibit which is Exhibit C. Did you actually pull the documents and confirm the accuracy of the information
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Exhibit Number 11 a copy of the Exhibit C that's referenced in your report. Did you prepare Exhibit Number C? A. If you mean by preparation, did I write it, did I prepare the summary, no, sir I did not. Q. Do you know who prepared it? A. From my reading, it appears as though the attorneys may have prepared it based upon to my knowledge, based upon other deponents. Q. Other than the documents that we have talked about that are laid out before us, did you bring any other documents with you to the deposition? A. Other than the documents that are to my right in the folders, the health assessment from the the screening health assessment from Canada, Dr. Taher's paper, a letter this is in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	this morning or made reference to? A. I reviewed Dr. Hopkins' report. Q. Let me ask it different. Anything that you have reviewed that's either not listed somewhere in your report or we have not marked as an exhibit? A. To the best of my knowledge, no. Q. With regard to Exhibit C, did you review all the documents that are referenced in Exhibit Number C? A. Can I see that, please. Q. I think you still have a copy in front of you. A. Okay. Q. It's Exhibit Number 11, which is marked Exhibit which is Exhibit C. Did you actually pull the documents and confirm the accuracy of the

	Page 66		Page 68
1	A. There are no there are no	1	BY MR. HEGARTY:
2	references in here, as I understand it.	2	Q. You agree that the standard
3	Q. Well, there are Bates	3	for proving biologic plausibility or any
4	numbers	4	other scientific issue in the medical
5	A. Bates numbers.	5	literature is the same one that applies
6	Q that are listed at the	6	in litigation, correct?
7	right, which correspond to documents,	7	MS. O'DELL: Object to the
8	correct?	8	form. If you know.
9	A. Yes, but when I when I	9	THE WITNESS: Can you repeat
10	hear references I think of citations,	10	that, please.
11	papers.	11	BY MR. HEGARTY:
12	Q. Did you actually pull the	12	Q. Sure. You agree that the
13	documents whose Bates numbers are listed	13	standard for proving biologic
14	and confirm the accuracy of the	14	plausibility or any other scientific
15	information contained in Exhibit C?	15	issue in a medical literature or in
16	A. I did not pull them as part	16	science should be the same that is
17	of reviewing this exhibit, but I have	17	applied in litigation?
18	looked at them, because I have gone	18	MS. O'DELL: Object to the
19	through all of the production documents.	19	form.
20	Q. With regard to your expert	20	THE WITNESS: I will use the
21	report in this case, is it correct that	21	same scrutiny and rigor, as I said
22	you prepared that report strike that.	22	before.
23	With regard to your expert	23	BY MR. HEGARTY:
24	report it defines the scope of your	24	Q. You would you intend to
	Page 67		Page 69
1	testimony in this case, correct?	1	apply the same standards to your report
2	MS. O'DELL: Objection to	2	and your opinions in this case as you
3	form.	3	would apply if you were looking at this
4	THE WITNESS: Yes, it does.	4	as simply a professor at New York
5	BY MR. HEGARTY:	5	University?
6	Q. And is it correct that the	6	A. Well, I don't see simply a
7	report was prepared with the same	7	professor.
8	methodology and approach as you would	8	If I were I review
9	have prepared an article for publication	9	papers. I think I've answered this
10	in a scientific journal?	10	already. But I review papers and
	· · · · · · · · · · · · · · · · · · ·		
11	A. An article, a grant, a	11	literature with the same scrutiny as I
11 12	A. An article, a grant, a review, an advisory board report, with	12	literature with the same scrutiny as I prepared this report.
11 12 13	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny,	12 13	literature with the same scrutiny as I prepared this report. Q. Did you apply the same
11 12 13 14	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes.	12 13 14	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic
11 12 13 14 15	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it	12 13 14 15	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at
11 12 13 14 15 16	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it correct that you prepared this report in	12 13 14 15 16	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at NY University?
11 12 13 14 15 16	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it correct that you prepared this report in the same manner as you had prepared all	12 13 14 15 16 17	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at NY University? A. I do.
11 12 13 14 15 16 17	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it correct that you prepared this report in the same manner as you had prepared all of your articles for publication?	12 13 14 15 16 17	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at NY University? A. I do. Q. Did you sign your report
11 12 13 14 15 16 17 18	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it correct that you prepared this report in the same manner as you had prepared all of your articles for publication? MS. O'DELL: Asked and	12 13 14 15 16 17 18	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at NY University? A. I do. Q. Did you sign your report dated November 16, 2018, with the same
11 12 13 14 15 16 17 18 19 20	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it correct that you prepared this report in the same manner as you had prepared all of your articles for publication? MS. O'DELL: Asked and answered.	12 13 14 15 16 17 18 19 20	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at NY University? A. I do. Q. Did you sign your report dated November 16, 2018, with the same intent as if signed under penalty of
11 12 13 14 15 16 17 18 19 20 21	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it correct that you prepared this report in the same manner as you had prepared all of your articles for publication? MS. O'DELL: Asked and answered. THE WITNESS: I used the	12 13 14 15 16 17 18 19 20 21	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at NY University? A. I do. Q. Did you sign your report dated November 16, 2018, with the same intent as if signed under penalty of perjury?
11 12 13 14 15 16 17 18 19 20 21 22	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it correct that you prepared this report in the same manner as you had prepared all of your articles for publication? MS. O'DELL: Asked and answered. THE WITNESS: I used the same methodology, the same	12 13 14 15 16 17 18 19 20 21 22	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at NY University? A. I do. Q. Did you sign your report dated November 16, 2018, with the same intent as if signed under penalty of perjury? A. Could you repeat that
11 12 13 14 15 16 17 18 19 20 21	A. An article, a grant, a review, an advisory board report, with the same rigor and the same scrutiny, yes. Q. In other words, is it correct that you prepared this report in the same manner as you had prepared all of your articles for publication? MS. O'DELL: Asked and answered. THE WITNESS: I used the	12 13 14 15 16 17 18 19 20 21	literature with the same scrutiny as I prepared this report. Q. Did you apply the same standard for assessing biologic plausibility as you apply in your work at NY University? A. I do. Q. Did you sign your report dated November 16, 2018, with the same intent as if signed under penalty of perjury?

1 expert report dated November 16, 2018, 2 with the same intent as if signed under 3 penalty of perjury? 4 MS. O'DELL: Object to form. 5 THE WITNESS: I'm not sure I 6 understand what that question 7 means. 8 BY MR. HEGARTY: 9 Q. Well, did you by signing 10 this report, did you confirm to the 11 accuracy of everything contained in the 12 report? 13 A. To the best of my knowledge, 14 I signed this report and there is with 15 prepared this report and there is with 16 the same intent of accuracy and rigor. 1 that these are my my report reflects my opinion. 2 reflects my opinion. 3 BY MR. HEGARTY: 4 Q. Are they are there an necessary changes, or revisions to report? 5 necessary changes, or revisions to report? 7 A. Not to my knowledge. 9 you intend to offer in this litigation are set out in your report, as you said, correct? 12 A. To come to my decision opinion, prior to included all the documents that I had in my possed the same intent of accuracy and rigor. 1 that these are my my report reflects my opinion. 1 BY MR. HEGARTY: 4 Q. Are they are there an necessary changes, or revisions to report? 1 A. Not to my knowledge. 1 are set out in your report, as you said, correct? 1 A. To come to my decision opinion, prior to included all the documents that I had in my possed the same intent of accuracy and rigor. 1 decident my opinion. 2 reflects my opinion. 3 BY MR. HEGARTY: 4 Q. Are they are there an necessary changes, or revisions to report? 7 A. Not to my knowledge. 10 are set out in your report, as you said, correct? 11 A. To come to my decision opinion, prior to included all the documents that I had in my possed to prior to my decision opinion, prior to included all the documents that I had in my possed to prior to my decision opinion, prior to included all the documents that I had in my possed to prior to my decision opinion.	y o your at on just
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5 THE WITNESS: I'm not sure I 6 understand what that question 7 means. 8 BY MR. HEGARTY: 9 Q. Well, did you by signing 10 this report, did you confirm to the 11 accuracy of everything contained in the 12 report? 13 A. To the best of my knowledge, 14 I signed this report knowing that I 15 necessary changes, or revisions to report? 7 A. Not to my knowledge. 9 you intend to offer in this litigation are set out in your report, as you said, correct? 12 A. To come to my decision opinion, prior to included all the documents that I had in my possess to prior to my	o your at on just
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8 BY MR. HEGARTY: 9 Q. Well, did you by signing 10 this report, did you confirm to the 11 accuracy of everything contained in the 12 report? 13 A. To the best of my knowledge, 14 I signed this report knowing that I 15 prepared this report and there is with 8 Q. And all the opinions that 9 you intend to offer in this litigation are set out in your report, as you said, correct? 12 A. To come to my decision opinion, prior to included all the opinions that I and in my possession accuracy of everything contained in the said, correct? 12 A. To come to my decision opinion, prior to included all the opinions that I accuracy of everything contained in the said, correct? 14 documents that I had in my possession opinion, prior to included all the opinions that I accuracy of everything contained in the said, correct? 13 decision opinion, prior to included all the opinions that I had in my possession opinion, prior to included all the opinions that I accuracy of everything contained in the said, correct? 15 were had access to prior to my	on just
9 Q. Well, did you by signing 10 this report, did you confirm to the 11 accuracy of everything contained in the 12 report? 13 A. To the best of my knowledge, 14 I signed this report knowing that I 15 prepared this report and there is with 9 you intend to offer in this litigation 10 are set out in your report, as you 11 said, correct? 12 A. To come to my decision 13 opinion, prior to included all the documents that I had in my possession 15 were had access to prior to my	on just
this report, did you confirm to the accuracy of everything contained in the report? A. To the best of my knowledge, I signed this report knowing that I prepared this report and there is with are set out in your report, as you are set out in your report, as you A. To come to my decision appropriate to included all the documents that I had in my posses the set out in your report, as you are set out in your report.	just
11 accuracy of everything contained in the 12 report? 13 A. To the best of my knowledge, 14 I signed this report knowing that I 15 prepared this report and there is with 11 said, correct? 12 A. To come to my decision opinion, prior to included all the documents that I had in my posses to prior to my	-
12 report? 13 A. To the best of my knowledge, 14 I signed this report knowing that I 15 prepared this report and there is with 12 A. To come to my decision opinion, prior to included all the documents that I had in my posses to prior to my	n or my
13 A. To the best of my knowledge, 14 I signed this report knowing that I 15 prepared this report and there is with 15 were had access to prior to my	i Oi iiiy
14 I signed this report knowing that I 14 documents that I had in my posses 15 prepared this report and there is with 15 were had access to prior to my	•
15 prepared this report and there is with 15 were had access to prior to my	
the same intent of accuracy and rigor.	
Q. You understand this is	
18 supposed to be your testimony as if on a 18 opinions that you intend to offer	
stand before a judge or a jury, correct? 19 just indicated, those are set out in	1 your
MS. O'DELL: Object to the 20 report, correct?	
21 form. 21 A. The opinions that I inte	nd
22 THE WITNESS: My 22 to offer, yes.	
23 understanding of the deposition is 23 Q. As your report shows, y	
that it is a legal document and 24 don't intend to offer the opinion t	that
Page 71	Page 73
1 testifying my my opinion. And 1 use of Johnson's Baby Powder or	
2 that it has to be honest and 2 Shower causes ovarian cancer, co	orrect?
3 truthful and transparent. 3 A. My mission, the question	on
4 BY MR. HEGARTY: 4 that I was asked by plaintiff attor	ney
5 Q. Well, this time I'm talking 5 was to confer or to assess biologic	ical
6 about your report. Do you understand 6 plausibility in the causation of ta	
7 your report is supposed to be your 7 ovarian cancer.	
8 testimony as if you are before a judge 8 Q. And as your report show	ws,
9 and a jury? 9 you did not do a risk assessment	or
MS. O'DELL: Object to the 10 Bradford Hill analysis of all the	
11 form. 11 literature looking at talc products	s and
12 THE WITNESS: I I 12 ovarian cancer, correct?	
understand that this has to be 13 A. I think I answered that,	but
honest and truthful, and this will 14 I'm not an epidemiologist, and m	
be could be, will be, the basis 15 question was to look at biologica	
for my testimony in a court trial, 16 plausibility.	
if that is what you're asking. 17 Q. And all the materials th	at
18 BY MR. HEGARTY: 18 you intend to rely upon for purpo	
19 Q. You understand it's supposed 19 your opinions, are those set out in	
20 to set out your the entirety of your 20 report, those we've talked about h	
21 opinions in this case? 21 this morning, correct?	
22 MS. O'DELL: Object to the 22 A. Yes, including the	
23 form. 23 contributions that were made after	er mv
24 THE WITNESS: I understand 24 report including Dr. Longo's sup	

	Page 74		Page 76
1	including Dr. Saed's paper. They added	1	by more than one investigator, and is a
2	to my opinion, supplemented them. But it	2	compilation of different points, then
3	is but my my opinion stays the same	3	I I will use I will not necessarily
4	as the report.	4	put quotations around it. And I will not
5	Q. Okay.	5	necessarily reference it, because it's
6	MR. HEGARTY: The next	6	may have been taken from another document
7	section I have is pretty long. I	7	but it's common knowledge.
8	don't know if you want to take a	8	Q. What about
9	quick break now or just keep	9	A. And it's
10	going. It's up to you.	10	Q. I'm sorry. I didn't mean to
11	MS. O'DELL: We've been	11	interrupt.
12	going about an hour. I think	12	A. I couldn't I'm sorry. I
13	that's probably a good idea.	13	couldn't write it any better than as it
14	MR. HEGARTY: Because	14	was put.
15	otherwise it's not there's not	15	Q. What about if you take
16	going to be a good break time. So	16	materials from a published article for
17	we should probably do it now.	17	purposes of your report, did you
18	MS. O'DELL: Well, we can	18	reference those articles?
19	definitely do it now, but we'll	19	A. In some cases, not. Again,
20	of course we'll break when the	20	it's my opinion that if there is
21	witness needs to break.	21	something that is stated by an
22	MR. HEGARTY: Understood.	22	investigator and it's written extremely
23	Understood. But you know what I	23	well, and it's common knowledge for
24	mean.	24	scientists in that area, as well as
	Page 75		Page 77
1	MS. O'DELL: Yeah.	1	others, then I will I will use it.
2	THE VIDEOGRAPHER: Stand by	2	Q. That's not how you prepare
3	please. The time is 10:11 a.m.	3	your report that's not how you prepare
4	Off the record.	4	your articles for journals though,
5	(Short break.)	5	correct?
6	THE VIDEOGRAPHER: We are	6	A. No, that's the same way I
7	back on the record. The time is	7	prepare them.
8	10:26 a.m.	8	If they are if they are,
9	BY MR. HEGARTY:	9	again, common knowledge, I will not
10	Q. Dr. Zelikoff, with regard to	10	necessarily cite them.
11	your expert report, do you have that in	11	Q. Is it not your approach that
12	front of you?	12	authors are to cite material to which
13	A. I do now. Thank you.	13	they are relying on or referring to in
14	Q. We marked that as exhibit	14	published articles?
15	what?	15	A. Again, I think you're asking
16	A. Exhibit 2.	16	me the same question. But again, if
17	Q. With regard to Exhibit	17	something is well known, then I do not
18	Number 2, is it your testimony that all	18	necessarily reference it.
19	of the sentences in your report are your	19	Q. What is the definition
20	own words and not copied from others,	20	what is your definition of well known?
21	except where you used quotations?	21	A. For example, if chromium
22	A. Mm-hmm. The way I report	22	let's use nickel instead. If nickel is
23	and write publications is if something	23	being spoken about by IARC, by U.S. EPA,
24	is, I feel, common knowledge or provided	24	by National Toxicology Program, and

1 they're all saying the same thing, I in 2 some cases may take what the IARC has 3 said and put it in my reference. 4 Q. And it's your testimony that 5 you do that in all you've done that in 6 all the articles that you've ever 7 published? 8 MS. O'DELL: Objection to 9 form. 10 THE WITNESS: I can't say 11 Q. Is that not is that a 2 definition you agree with? 3 A. I agree that there's ways to 4 interpret that. 5 Q. Is that is that the 6 definition New York University applie 7 its students? 8 A. This sentence, "Presenting 9 others' work without adequate 10 acknowledgment of its source as thoug 11 were one's own," that is for students.	
2 some cases may take what the IARC has 3 said and put it in my reference. 4 Q. And it's your testimony that 5 you do that in all you've done that in 6 all the articles that you've ever 7 published? 8 MS. O'DELL: Objection to 9 form. 10 THE WITNESS: I can't say 2 definition you agree with? 3 A. I agree that there's ways to 4 interpret that. 5 Q. Is that is that the 6 definition New York University applie 7 its students? 8 A. This sentence, "Presenting 9 others' work without adequate 10 acknowledgment of its source as thoug	
3 said and put it in my reference. 4 Q. And it's your testimony that 5 you do that in all you've done that in 6 all the articles that you've ever 7 published? 8 MS. O'DELL: Objection to 9 form. 9 THE WITNESS: I can't say 3 A. I agree that there's ways to 4 interpret that. 5 Q. Is that is that the 6 definition New York University applie 7 its students? 8 A. This sentence, "Presenting 9 others' work without adequate 10 acknowledgment of its source as thoug	
4 Q. And it's your testimony that 5 you do that in all you've done that in 6 all the articles that you've ever 7 published? 8 MS. O'DELL: Objection to 9 form. 9 THE WITNESS: I can't say 4 interpret that. 5 Q. Is that is that the 6 definition New York University applie 7 its students? 8 A. This sentence, "Presenting 9 others' work without adequate 10 acknowledgment of its source as thoug	
5 you do that in all you've done that in 6 all the articles that you've ever 7 published? 8 MS. O'DELL: Objection to 9 form. 10 THE WITNESS: I can't say 5 Q. Is that is that the 6 definition New York University applie 7 its students? 8 A. This sentence, "Presenting 9 others' work without adequate 10 acknowledgment of its source as thoug	
6 all the articles that you've ever 7 published? 6 definition New York University applie 7 its students? 7 its students? 8 MS. O'DELL: Objection to 8 A. This sentence, "Presenting 9 form. 9 others' work without adequate 10 THE WITNESS: I can't say 10 acknowledgment of its source as thoug	
7 published? 7 its students? 8 MS. O'DELL: Objection to 8 A. This sentence, "Presenting 9 form. 9 others' work without adequate 10 THE WITNESS: I can't say 10 acknowledgment of its source as thoug	to
8 MS. O'DELL: Objection to 8 A. This sentence, "Presenting 9 form. 9 others' work without adequate 10 THE WITNESS: I can't say 10 acknowledgment of its source as though	
9 form. 9 others' work without adequate 10 THE WITNESS: I can't say 10 acknowledgment of its source as thoug	
10 THE WITNESS: I can't say 10 acknowledgment of its source as thoug	
	ı it
published over 130 12 That is not what I'm doing in my opinion	n.
13 MR. HEGARTY: Mark 13 In my opinion, I'm taking	
14 THE WITNESS: 14 common knowledge and presenting it.	
publications and book chapters. 15 Q. Well, they go on to give	
16 (Document marked for 16 examples of plagiarism that include, "A	
17 identification as Exhibit 17 sequence of words incorporated without	
18 Zelikoff-12.) 18 quotation marks."	
19 BY MR. HEGARTY: 19 Do you see where I'm	
20 Q. Let me mark as Exhibit 20 reading?	
21 Number 12 the academic integrity for 21 A. I do see it. "A sequence of	
22 students at NYU policy. Is this the 22 words incorporated without quotation	
23 policy applicable to your university? 23 marks."	
24 A. It appears to be that you've 24 Q. It also says that,	
Page 79	e 81
1 taken it off the website in the academic 1 "Plagiarism is an unacknowledged pass	age
2 integrity for students at NYU. 2 paraphrased from another's work."	
3 Q. If you turn to the second 3 Do you see that?	
4 page, there is a definition of 4 A. Some examples of plagiarism	,
5 plagiarism, that says, "Presenting 5 "Unacknowledged passage rephrased fi	
6 others' works without adequate 6 another's work."	
7 acknowledgment of its source as though it 7 Q. Do you agree those are	
8 were one's own." 8 the two definitions that I just read from	
9 A. I'm sorry. 9 your university's own policy for studen	
10 Q. Do you agree with that 10 are examples of plagiarism?	
11 definition? 11 A. This is the NYU	
12 A. I'm sorry. What 12 interpretation or what they've put on th	
13 Q. Second page of Exhibit 12. 13 website, yes.	
A. You mean on the back? Is it Q. Should this be a policy	
15 under Number 2, Number 1? 15 strike that.	
16 Q. Number 1. The definition of 16 Is this a policy that	
17 plagiarism by your university for your 17 applies to students at NY university?	
18 students is, "Presenting others' work 18 A. It applies it's an	
19 without adequate acknowledgement of its 19 academic integrity for students at NYU	
20 source as though it were one's own." 20 Q. Do you agree that professors	
Do you agree with that 21 at NY university should also conform t	О
22 that definition? 22 this policy?	
23 A. I agree that there's many 23 A. I believe that honesty,	
24 different ways to interpret that. 24 transparency is the key factor for all	

	Page 82		Page 84
1	scientists at any level.	1	Q. Do you know who Shawn Levy
2	Q. You would agree that this	2	is?
3	should apply to your work as well,	3	A. I do not.
4	correct?	4	Q. Did you review Dr. Levy's
5	A. I think that this definition	5	report for purposes of your preparing
6	is open to interpretation.	6	your report in this case?
7	Q. Well, do you either agree or	7	A. I actually looked at it, but
8	disagree that this well, strike that.	8	did not did not read it.
9	Do you agree that this	9	Q. When did you have a chance
10	policy should be applied to your work in	10	to look at his expert report?
11	this case?	11	A. I have looked at it I'm
12	A. I agree that plagiarism is	12	trying to gather the knowledge. I
13	defined as presenting others' work	13	actually do not recall when I looked at
14	without adequate acknowledgment of its	14	it.
15	source as though it were one's own.	15	Q. If you look at your report
16	That's the NYU policy for students.	16	on Page 20. In that exhibit, Doctor.
17	Q. Did you you did that in	17	A. Oh okay.
18	your own report, correct?	18	Q. Your report and the portion
19	MS. O'DELL: Object to form.	19	of Dr. Levy's report is attached, and if
20	THE WITNESS: I did what in	20	you look at your report Page 20 and his
21	my own report?	21	report Page 5
22	BY MR. HEGARTY:	22	MS. O'DELL: I think, Mark,
23	Q. You plagiarized portions of	23	I think there's confusion because
24	other people's work without proper	24	there's two documents put together
	Page 83		Page 85
1	acknowledgment, correct?	1	in this
2	MS. O'DELL: Objection to	2	MR. HEGARTY: Right. One is
3	form.	3	her report and one is Levy's
4	THE WITNESS: That is	4	report.
5	totally incorrect.	5	MS. O'DELL: I just think
6	I used sentences from other	6	that that was the confusion.
7	people's other people's papers	7	THE WITNESS: Thank you.
8	because they were common knowledge	8	BY MR. HEGARTY:
9	and contributed by multiple	9	Q. So the do you see that
10	authors. And it was	10	sentences marked as 1 and 2 from
11	BY MR. HEGARTY:	11	Dr. Levy's report are identical to
12	Q. I'm going to mark sorry.	12	sentences marked 1 and 2 in your report?
13	A. And it was stated in a way	13	MS. O'DELL: Object to form.
14	that I couldn't have stated better.	14	And, Doctor, if you need to
15	Q. I'm going to mark as	15	take the documents apart and
16	Exhibit 13 a report a portion of your	16	compare them, rather than flipping
17	report dated November 16, 2018. And the	17	back and forth, if that would be
18	back of that is a portion of Rule 26	18	helpful to you, feel free to do
19	expert report of an expert by the name of	19	that.
20	Shawn Levy.	20	THE WITNESS: Good idea. I
21	(Document marked for	21	actually don't recall. Could
	`	22	· · · · · · · · · · · · · · · · · · ·
	identification as Exhibit	/. /.	VOIL COMICE VOIL IEU ME WITEN MV
22	identification as Exhibit Zelikoff-13.)	23	you could you tell me when my report is dated please?

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1	Q. November 16. His report is	1	from either Dr. Levy's report or from
2	also dated November 16.	2	somewhere some other source?
3	A. I did not actually see this	3	A. The thoughts are the same.
4	report until after mine.	4	The words seem to be identical. And
5	However, let me address your	5	again, if you interpret that one way and
6	question to the best of my ability.	6	I interpret it another, I certainly do
7	"Things stated as both	7	not interpret it as plagiarism.
8	inherited and acquired gene mutations	8	Q. Let me show you another
9	work together to cause cancer."	9	example.
10	Everyone from the time of	10	(Document marked for
11	their scientific career back in college	11	identification as Exhibit
12	knows that.	12	Zelikoff-14.)
13	"While genetic testing"	13	BY MR. HEGARTY:
14	let me make sure I have both "both	14	Q. I'm going to mark as
15	inherited and acquired gene mutations	15	Exhibit 14, again a portion of your
16	work together to cause cancer."	16	report Page 12 and a portion of a report
17	How there is no way for	17	by Rebecca Smith-Bindman. Do you know
18	me to say that differently. This is a	18	who that is?
19	very well statement, very well put	19	A. Not at all.
20	statement. I used it without a	20	Q. Did you see her report in
21	reference. Even if one	21	this case before preparing your report?
22	Q. My question I'm sorry. I	22	A. I never looked at her
23	thought you were finished.	23	report.
24	A. "Even if one has inherited a	24	Q. If you would look at the two
	Page 87		Page 89
1	genetic mutation that predisposes one's	1	reports side by side under the
2	chances, doesn't mean he or she has to	2	definition under the heading
3	get cancer." Again, common knowledge	3	Fragrances
4	from everyone.	4	A. I'm sorry, I don't have her
5	Q. Well, Dr. Zelikoff, my	5	report.
6	question is different than that.	6	Q. You have one page of her
7	My question is, can you	7	report in that exhibit. You have the
8	explain to us here today, given that you	8	the front page and the one page of her
9	did not see Dr. Levy's report until after	9	report, and you have Page 12 of your
10	you completed your report, how you have	10	report, correct?
11	several identical sentences between your	11	A. I see. Correct.
12	report and Dr. Levy's report?	12	Q. Do you see that the section
13	MS. O'DELL: Object to the	13	under the heading Fragrances is identical
14	form.	14	between the two reports?
15	BY MR. HEGARTY:	15	A. Yes. They are identical
16	Q. Dr. Levy's report.	16	wording.
17	A. I cannot I I don't	17	Q. And none of those sentences
18	know. The only what I can say is that	18	are common knowledge, correct?
19	there was likely a publication. But that	19	MS. O'DELL: Object to the
20	is speculation, because I have not looked	20	form.
21	that over.	21	THE WITNESS: It's a
22	Q. But is it your testimony	22	statement.
23	here today that the words in your report	23	BY MR. HEGARTY:
24	were solely your own words and not taken	24	Q. But it's not common

	Page 90		Page 92
1	knowledge, correct, Doctor?	1	Q. Sure. Is it your testimony
2	A. But it's a it is there	2	that the words in your report under
3	are more than 150 different chemicals	3	section under the section Fragrances
4	added to Johnson's Baby Powder and Shower	4	are your words and your words alone from
5	to Shower products. I reviewed the	5	no other source?
6	expert report from Dr. Crowley that	6	MS. O'DELL: Object to the
7	concludes that some of these chemicals	7	form.
8	may contribute to the inflammatory	8	THE WITNESS: I don't quite
9	response, toxicity, and potential	9	understand what you mean by no
10	carcinogenicity. I concur with his	10	other source.
11	opinion.	11	These are my words. They
12	I say the same thing as	12	confer my opinion.
13	Dr. Smith-Bindman.	13	BY MR. HEGARTY:
14	Q. Is it your testimony that	14	Q. Well, did you copy those
15	you and Dr. Smith-Bindman came to the	15	words from some source besides
16	exact same words just by coincidence?	16	Smith-Bindman's report?
17	MS. O'DELL: Object to the	17	A. I did not copy words. I
18	form.	18	I don't know how this happened.
19	THE WITNESS: We came to the	19	If I was in error, I own
20	same conclusions.	20	that responsibility.
21	BY MR. HEGARTY:	21	(Document marked for
22	Q. That's not my question. My	22	identification as Exhibit
23	question is, is it your testimony here	23	Zelikoff-15.)
24	today that you and Dr. Smith-Bindman came	24	BY MR. HEGARTY:
	Page 91		Page 93
1	to the exact to say the exact same	1	Q. I'm going to show you what
2	thing under the section Fragrance simply	2	I'm next marking as Exhibit 15.
3	by coincidence?	3	MS. O'DELL: Is this one
4	MS. O'DELL: Objection to	4	exhibit?
5	form.	5	MR. HEGARTY: That's one
6	THE WITNESS: I don't do	6	exhibit.
7	anything usually by coincidence.	7	BY MR. HEGARTY:
8	BY MR. HEGARTY:	8	Q. Doctor, Exhibit Number 15 is
9	Q. Okay. Is it your testimony	9	again a portion of your report, and also
10	that the words that you wrote under the	10	attached to it is a reference from
11	section Fragrances on Page 12 are your	11	Genetics Home Reference dated June 27,
12	words and came from nowhere else?	12	2017. Do you see both documents?
13	A. I don't quite understand	13	A. I do see both documents.
14	where they could have come from because I	14	Q. We have highlighted and
15	did not review her report.	15	numbered in Exhibit 15 the portions from
16	Q. Is it your testimony that	16	your report which are taken word for word
17	the words in your report under the	17	from Genetics Home Reference without a
	section Fragrances are your words and	18	single reference to that authority
1 8		19	anywhere in your report, including in the
18 19	your words alone from no other source?		any where my your report, including in the
19	your words alone from no other source? MS_O'DELL: Object to the		
19 20	MS. O'DELL: Object to the	20	materials considered or reviewed.
19 20 21	MS. O'DELL: Object to the form.	20 21	materials considered or reviewed. MS. O'DELL: Objection.
19 20 21 22	MS. O'DELL: Object to the form. THE WITNESS: Could you	20 21 22	materials considered or reviewed. MS. O'DELL: Objection. BY MR. HEGARTY:
19 20 21	MS. O'DELL: Object to the form.	20 21	materials considered or reviewed. MS. O'DELL: Objection.

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1	form.	1	your report in this case?
2	And and, Doctor, take a	2	A. I may have used it
3	moment to review both, because the	3	appears that I have used the same words.
4	way this is put together is a	4	And if I did that, which it
5	little confusing.	5	appears that I have, then I've done it
6	THE WITNESS: I see what	6	with the intent to get those same points
7	you're referring to.	7	across.
8	BY MR. HEGARTY:	8	Q. But you do agree that you
9	Q. And did you copy, for	9	have included in your report a sequence
10	purposes of your report, without citation	10	of words incorporated from another source
11	to this authority, the words that we've	11	without quotation marks, correct?
12	identified from this reference to Genetic	12	MS. O'DELL: Objection to
13	Home Reference?	13	form.
14	MS. O'DELL: Objection to	14	THE WITNESS: I don't use
15	the form.	15	I don't usually use quotation
16	THE WITNESS: So when you	16	marks.
17	have things like, "Inherited	17	BY MR. HEGARTY:
18	mutations are passed down from	18	Q. Well, you have used other
19	parent to child and are present	19	people's words without acknowledging
20	throughout a person's life in	20	where they came from, correct?
21	virtually in every cell of the	21	MS. O'DELL: Object to the
22	body." Biology 101, basically,	22	form.
23	where that came from.	23	THE WITNESS: I could have
24	"These mutations are called	24	used quotation marks. And if I
	Page 95		Page 97
1	germ line mutations because	1	were to do this over, I would use
2	they're present in the parents'	2	quotation marks.
3	egg or sperm, a germ cell."	3	BY MR. HEGARTY:
4	Yes, some of these sentences	4	Q. You're not telling us,
5	appear to be the same as what is	5	Doctor, that if you prepared an article
6	in here.	6	for publication in a journal, that you
7	However, again, I stand on	7	would take references from another source
8	the fact that all of these all	8	like Genetic Home Reference, include them
9	of my statements are common	9	in the article, verbatim, not use
10	knowledge that have come from	10	quotation marks and not reference that
11	numerous references. Although the	11	cite. Is that what you're saying?
12	words may be the same, the	12	MS. O'DELL: Objection to
13	thoughts are are said as well	13	form.
14	as they can be said.	14	THE WITNESS: I'm standing
15	BY MR. HEGARTY:	15	on my interpretation, and that is
16	Q. Dr. Zelikoff, have you ever	16	that in a reference that I would
17	seen this reference to Genetic Home	17	prepare in a publication, it would
18	Reference before right now?	18	be accepted for peer review if
19	A. Not to my knowledge.	19	there was something that I felt
1 2 0	Q. So is it your testimony that	20	was common knowledge, that I would
20	- · · · · · · · · · · · · · · · · · · ·		
21	you did not copy the words from Genetic	21	not reference it.
21 22	you did not copy the words from Genetic Home Reference that we have highlighted	22	To your point, if I had to
21	you did not copy the words from Genetic		

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1	BY MR. HEGARTY:	1	will not this is the what
2	Q. You would have cited to the	2	you gave me was an interpretation,
3	authority, as well, from which that	3	was NYU policy, an interpretation
4	those passages were lifted, correct?	4	of that, which is not the same as
5	MS. O'DELL: Objection to	5	mine.
6	form.	6	BY MR. HEGARTY:
7	THE WITNESS: I certainly	7	Q. Well, you do agree, though,
8	could if that was a concern from	8	that between the your report, the
9	the journal or from the reviewer,	9	portions taken from your report and the
10	then I would definitely put in the	10	Genetic Home Reference reference are
11	reference.	11	identical?
12	BY MR. HEGARTY:	12	MS. O'DELL: Object to the
13	Q. If a student had prepared	13	form.
14	this, and you became aware that the	14	THE WITNESS: I agree that
15	student had lifted portions from Genetic	15	there are sentences that are
16	Home Reference without any citation,	16	identical. Yes.
17	without acknowledging where it came from,	17	BY MR. HEGARTY:
18	would that be okay with you?	18	Q. You did not acknowledge that
19	MS. O'DELL: Objection to	19	source anywhere in your report, correct?
20	form.	20	A. If you say so.
21	THE WITNESS: There are	21	Q. Do you think that's okay to
22	this is a large document. And in	22	do that?
23	order for something to be copied	23	MS. O'DELL: Objection to
24	or, as you put it, plagiarized,	24	form.
	Page 99		Page 101
1	there has to be a certain amount	1	THE WITNESS: If I had not
2	or percentage of the document that	2	thought it was okay, I would not
3	has to be the same.	3	have done it.
4	And this document, my	4	BY MR. HEGARTY:
5	report, is quite large. So if a	5	Q. Would that would that be
6	student prepared this, and their	6	acceptable for purposes of publishing
7	term paper, for example, was 50	7	your report?
8	pages, I would let them know that	8	MS. O'DELL: Objection to
9	if prepared the next time they	9	the form.
10	might want to put in a reference.	10	THE WITNESS: My opinion
11	But I would have to look at	11	stands. And that is my
12	the entire size of the document	12	interpretation of what is okay to
13	and the percentage of it which had	13	do based on common knowledge and
14	similar similar statements and	14	multiple sources, stands the same.
15	sentences.	15	BY MR. HEGARTY:
16	BY MR. HEGARTY:	16	Q. If you were to publish your
17	Q. You do agree that under the	17	report, as it is, would you go back and
18	policy we marked, we're talking about	18	use quotation marks and cite the
19	what you did with regard to this Genetics	19	reference that we just looked at
20	Home Reference cite, meets the definition	20	A. If I had
21	of plagiarism?	21	Q Exhibit Number 16?
22	MS. O'DELL: Objection to	22	MS. O'DELL: Excuse me,
23	form.	23	Doctor. Just let him finish.
24	THE WITNESS: I certainly	24	THE WITNESS: Of course.

1 BY MR. HEGARTY: 2 Q. This is another portion of 3 your report which we've correspondingly 4 referenced to an article by Simone 5 Reuter. And you can see where we've 6 identified six different times where 7 sentences have been copied verbatim from 8 this article without any quotation or any 9 acknowledgment of its of the source. 10 Do you see that? 11 MS. O'DELL: Object 12 excuse me. Object to the form. 13 Feel free to review it, the 14 reference or the exhibit. There 15 are two things paper clipped 16 together, if you need to look at 17 it in more detail. 18 THE WITNESS: Again, there 19 are sentences such as, "During 20 inflammation macrophages, mast 21 cells, and neutrophils were 1 Q. You keep referring to common knowledge. Who is who has this common knowledge. Who is who has this common knowledge? 4 A. People who read scientific journals. 6 Q. So is it your testimony that someone who would read your report would understand that that is not those are not your words but taken from somewhere somewhere else? 10 MS. O'DELL: Object to the form. 12 form. 13 Feel free to review it, the 14 reference or the exhibit. There 15 are two things paper clipped 16 together, if you need to look at it in more detail. 17 publication that you have ever written where you have cited another authority word for word and did not use quotation marks and did not reference that authority?		Page 102		Page 104
MS. O'DELL: Thank you. MS. O'DELL: Thank you. Thank you. MS. O'DELL: Object — sentences have been copied verbatim from this article without any quotation or any acknowledgment of its — of the source. Do you see that? MS. O'DELL: Object — sentences have been copied verbatim from this article without any quotation or any acknowledgment of its — of the source. Do you see that? MS. O'DELL: Object — sentences have been copied verbatim from this article without any quotation or any acknowledgment of its — of the source. Do you see that? MS. O'DELL: Object — sentences have been copied verbatim from this article without any quotation or any acknowledgment of its — of the source. Do you see that? MS. O'DELL: Object — sentences have been copied verbatim from this article without any quotation or any acknowledgment of its — of the source. Do you see that? MS. O'DELL: Object — sentences have been copied verbatim from this article without any quotation or any acknowledgment of its — of the source. Do you see that? MS. O'DELL: Object — sentences have been copied verbatim from this article without any quotation or any acknowledgment of its — of the source. Do you see that? MS. O'DELL: Object — sentences have been copied verbatim from this article without any quotation or any acknowledgment of its — of t	1	I'm sorry.	1	increased release of ROS."
3			2	
4 Thank you. 5 BY MR. HEGARTY: 6 Q. Did you hear my question? 7 A. Could you repeat your 8 question, please? 9 Q. Sure. If you were to 10 publish a report as it is, would you go 11 back and use quotation marks and cite the 12 reference that we just looked at in 13 Exhibit Number 16? 14 A. Now that you've pointed out 15 your interpretation of it, I would 16 certainly consider that. 17 (Document marked for 18 identification as Exhibit 19 Zelikoff-16. 10 BY MR. HEGARTY: 20 Q. Let me show you what I'm 19 zelikoff-16. 21 mext marking as Exhibit Number 16. 22 mext marking as Exhibit Number 16. 23 MS. O'DELL: I'll reach 24 over, instead of you throwing it. Page 103 1 BY MR. HEGARTY: 2 Q. That's – is it your 2 testimony that Point Number 4 in the abstract? 3 A. As – 4. As – 6 Q. That's – is it your 4 testimony that Point Number 4 in the abstract? 4. A. As – 4. As – 4. As – 6 Q. That's – is it your 4 testimony that Point Number 4 in the abstract? 4. A. As – 4. As – 4. As – 6 Q. That's – is it your 4 testimony that Point Number 4 in the abstract? 4. A. As – 4. As – 4. As – 6 Q. That's – is it your 4 testimony that Point Number 4 in the abstract? 4. A. As – 4. As – 4. As – 6 Q. That's – is it your 4 testimony that Point Number 4 in the abstract? 5 what you consider common knowledge? A "Activation of the transcription factors can lead to the expression of over 500 genes, including more for growth factors." And I'm going to read the entire abstract. 7 Actually this is a review paper. And thus is not a unique finding to this particular author. 20 And thus "Activation of transcription factors," again as I read, is an outcome of many, many authors. And as I said, is a review paper, not a unique investigator-initiated outcome. Page 10 Q. You keep referring to common knowledge. Who is – who has this commo knowledge. Who is – who has this		· ·		
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MS. O'DELL: I'll reach over, instead of you throwing it. Page 103 Page 103 Page 103 Page 103 Page 103 Page 103 Page 10 Page 103 Page 10 Page 10 Page 10 Page 10 Page 10 Q. You keep referring to common knowledge. Who is who has this common knowledge? A. People who read scientific journals. Reuter. And you can see where we've identified six different times where sentences have been copied verbatim from this article without any quotation or any acknowledgment of its of the source. MS. O'DELL: Object limited without any quotation or any acknowledgment of its of the form. Feel free to review it, the reference or the exhibit. There are two things paper clipped together, if you need to look at 17 it in more detail. THE WITNESS: Again, there are sentences such as, "During are sentences such as, "During 19 are sentences such as, "During 19 are sentences such as, "During 19 word for word and did not reference that authority?				
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Page 103 Page 103 Page 103 Page 103 Page 104 Page 105 Page 106 Page 107 Page 108 Page 108 Page 108 Page 108 Page 108 Page 108 Q. You keep referring to common knowledge. Who is who has this common knowledge? A. People who read scientific journals. Sentences have been copied verbatim from this article without any quotation or any acknowledgment of its of the source. Do you see that? MS. O'DELL: Object the excuse me. Object to the form. Feel free to review it, the tare two things paper clipped to together, if you need to look at it in more detail. THE WITNESS: Again, there tare word and early authority? Page 108 Q. You keep referring to common knowledge. Who is who has this common knowledge? A. People who read scientific journals. Q. So is it your testimony that someone who would read your report would understand that that is not those are not your words but taken from somewhere somewhere else? MS. O'DELL: Object the form. THE WITNESS: It would depend upon who is reading it. Page 10 Q. You keep referring to common knowledge. Who is who has this common knowledge? A. People who read scientific journals. No So is it your testimony that someone who would read your report would understand that that is not those are not your words but taken from somewhere somewhere else? In MS. O'DELL: Object to the form. THE WITNESS: It would depend upon who is reading it. Page 10 A. People who read scientific journals. The WITNESS: It would depend under outpout word and that that is not those are not your words but taken from somewhere somewhere somewhere else? In MS. O'DELL: Object to the form. Page 10 A. People who read scientific your testimony that someone who would read your report would understand that that is not those are not your words but taken from someone who would read your report would understand that that is not those are not your words but taken from someone who would read your report would understand that that is not those are not yo				
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Do you see that? MS. O'DELL: Object excuse me. Object to the form. Feel free to review it, the reference or the exhibit. There are two things paper clipped together, if you need to look at THE WITNESS: It would Paragraphy of the without the service of the exhibit. There The without the without the service of the exhibit. There The without the without the service of the service of the many The without the without the service of the service		• •		
MS. O'DELL: Object 12 excuse me. Object to the form. 13 Feel free to review it, the 14 reference or the exhibit. There 15 are two things paper clipped 16 together, if you need to look at 17 it in more detail. 18 THE WITNESS: It would 19 are sentences such as, "During 20 inflammation macrophages, mast 21 cells, and neutrophils were 11 MS. O'DELL: Object to the 12 form. 13 THE WITNESS: It would 14 depend upon who is reading it. 15 BY MR. HEGARTY: 16 Q. Can you cite for me any 17 publication that you have ever written 18 where you have cited another authority 19 word for word and did not use quotation 20 marks and did not reference that 21 authority?		C		
12 excuse me. Object to the form. 13 Feel free to review it, the 14 reference or the exhibit. There 15 are two things paper clipped 16 together, if you need to look at 17 it in more detail. 18 THE WITNESS: Again, there 19 are sentences such as, "During 20 inflammation macrophages, mast 21 cells, and neutrophils were 12 form. 13 THE WITNESS: It would 14 depend upon who is reading it. 15 BY MR. HEGARTY: 16 Q. Can you cite for me any 17 publication that you have ever written 18 where you have cited another authority 19 word for word and did not use quotation 20 marks and did not reference that 21 authority?				
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THE WITNESS: Again, there are sentences such as, "During inflammation macrophages, mast cells, and neutrophils were 18 where you have cited another authority word for word and did not use quotation marks and did not reference that authority?				
19 are sentences such as, "During 19 word for word and did not use quotation 20 inflammation macrophages, mast 21 cells, and neutrophils were 21 authority?				•
20 inflammation macrophages, mast 20 marks and did not reference that 21 cells, and neutrophils were 21 authority?				· · · · · · · · · · · · · · · · · · ·
21 cells, and neutrophils were 21 authority?				_
22 recruited at the site of damage, 22 A. Not off the top of my head.				· · · · · · · · · · · · · · · · · · ·
23 leads to a respiratory burst and 23 Q. But you did do that in your				
increased uptake of oxygen, and an 24 expert report in this case, correct?				

	Page 106		Page 108
1	MS. O'DELL: Object to the	1	MS. O'DELL: Object to the
2	form.	2	form.
3	THE WITNESS: It appears	3	THE WITNESS: Yes, I see
4	from what you're showing me, that	4	what you're saying.
5	in my interpretation of common	5	BY MR. HEGARTY:
6	knowledge and multiple multiple	6	Q. And nowhere in your report
7	investigators, I have done that,	7	do you give acknowledgment to
8	yes.	8	EnvironmentalChemistry.com as a source of
9	(Document marked for	9	the information that you copied, correct?
10	identification as Exhibit	10	MS. O'DELL: Object to the
11	Zelikoff-17.)	11	form.
12	BY MR. HEGARTY:	12	THE WITNESS: I do say the
13	Q. I'm going to mark next	13	U.S. EPA defines asbestos by
14	Exhibit Number 17, another portion of	14	limiting the term to six specific
15	your report where you, again, take	15	fibrous minerals from two distinct
16	sentences from a publication called	16	groups. And I go on from there.
17	EnvironmentalChemistry.com.	17	That is a referral to the U.S.
18	You cite them word for word	18	EPA.
19	in your report and you make no reference	19	BY MR. HEGARTY:
20	anywhere in your report to this	20	Q. Doctor, nowhere in your
21	authority.	21	report, in those notebooks or anywhere do
22	A. I said	22	you cite to EnvironmentalChemistry.com,
23 24	MS. O'DELL: Excuse me.	23 24	do you?
24	Excuse Me, Doctor. Excuse me.	24	MS. O'DELL: Object. Object
	Page 107		Page 109
1	MR. HEGARTY: I'm not	1	to the form.
2	finished with my question.	2	THE WITNESS: Not to my
3	MS. O'DELL: I thought you	3	knowledge.
4 5	were finished with your question.	4	EnvironmentalChemistry.com, I
6	MR. HEGARTY: Because I just made a statement.	5 6	don't even recall reviewing it. BY MR. HEGARTY:
7	MS. O'DELL: Well, I object	7	Q. But don't you agree that you
8	to the statement. You ask your	8	would have had to review it based on the
9	question, and I'll probably object	9	fact that there are identical sentences
10	to that.	10	taken from that are identical
11	But give me a chance, the	11	sentences, in Environmental Chemistry and
12	two of you, please.	12	in your report?
13	BY MR. HEGARTY:	13	MS. O'DELL: Object to the
14	Q. Let me Doctor, this	14	form.
15	the reference that we have here in the	15	THE WITNESS: This again,
16	Exhibit Number 17 is to a website called	16	this information is common
17	EnvironmentalChemistry.com. Did you	17	knowledge. This is not a creation
18	review this website in preparing your	18	of EnvironmentalChemistry.com.
19	report?	19	They are not an individual
20	A. I don't recall.	20	investigator finding this data.
21	Q. Do you see where we make	21	They are reporting this data on
22	reference to five different places where	22	the internet for people's review.
23	you copied word for word from	23	BY MR. HEGARTY:
24	EnvironmentalChemistry.com?	24	Q. Is

	Page 110		Page 112
1	EnvironmentalChemistry.com a reliable	1	published methodology which says that
2	authority?	2	your interpretation of what you are to
3	MS. O'DELL: Object to the	3	quote and what you are to cite in an
4	form.	4	article is an accepted methodology in
5	THE WITNESS: I have no	5	publishing scientific literature?
6	idea sorry.	6	A. It's my professional opinion
7	MS. O'DELL: Go ahead.	7	after 30 years of work.
8	THE WITNESS: I have no idea	8	Q. Well, can you cite for me
9	of the impact factor or the	9	any published authority that says your
10	reliability of this. However, in	10	definition of what you are to cite and
11	talking about this, and saying the	11	what you are to reference is the
12	things that I that you have	12	definition that's applicable to medical
13	said I have used identically,	13	literature?
14	which appear to be the case	14	MS. O'DELL: Objection to
15	"while amphibole and serpentine	15	form.
16	asbestos may have fibrous habits,	16	THE WITNESS: I have never
17	they have very different forms.	17	been accused or cited by any
18	Amphibole are double-chain	18	publication in any of my 135
19	silicates."	19	papers or my over 30 book chapters
20	This is known in the	20	of having anything that was of a
21	asbestos in the asbestos	21	dubious nature, ever.
22	literature. And the basic	22	BY MR. HEGARTY:
23	structural unit is silicone oxide.	23	Q. That's not my question. My
24	This is not Environmental	24	question was can you cite for me any
	Page 111		Page 113
1	Chemistry's individual	1	written authority that says that in
2	investigator initiated.	2	publishing medical literature, if you're
3	I think you may be confusing	3	citing what you call general knowledge
4	an individual paper where an	4	word for word from another source, you
5	investigator sits down in the	5	don't have to quote it and you do not
6	laboratory and works out or comes	6	have to give it any reference.
7	up with a fact and that it's his.	7	A. Just my professional opinion
8	As opposed to data that's just out	8	of 30 years of work.
9	there in the internet, out there	9	Q. Okay. And in a and
10	in the world, out there in book	10	you've never done that in any medical
11	chapters, out there everywhere,	11	article you any article you have
12	that people know.	12	published, correct?
13	This is not an investigator	13	A. I cannot I cannot speak
14	initiated, whether it's	14	to all.
15	EnvironmentalChemistry.com.	15	Q. Well, if you were to write a
16	So I will I will say to	16	medical article a scientific article
17	you that in many cases, I did use	17	today, and you were to quote something
18	the same sentence. Certainly	18	from take something word for word from
19	EnvironmentalChemistry.com is not	19	EnvironmentalChemistry.com, is it your
20 21	an investigator-initiated point of	20 21	testimony you wouldn't give any reference
22	reference. It's just facts that are supported by other experts.	22	to it or wouldn't use quotation marks? MS. O'DELL: Object to the
23	BY MR. HEGARTY:	23	form.
24		24	THE WITNESS: I I stand
∠ 1	Q. Can you cite for me any	∠ 1	THE WITHESS, 1 I stallu

	Page 114		Page 116
1	on the opinion that I have, that	1	that you have copied verbatim from that
2	it would be common knowledge.	2	publication without giving any
3	BY MR. HEGARTY:	3	acknowledgment to Dr. Rakoff-Nahoum or
4	Q. That's not my question. My	4	use any quotation marks. Do you see
5	question is if you were to write an	5	that?
6	article today and you were to cite	6	MS. O'DELL: Object to the
7	Environmental.com word for word, is it	7	form.
8	your testimony you would not quote	8	THE WITNESS: So on Page 124
9	that those words or give any reference	9	of the review by Seth
10	or acknowledgment to environmental	10	Rakoff-Nahoum Nahoum, if you
11	to	11	look on under cancer and
12	A. EnvironmentalChemistry.com.	12	inflammation, and one of the
13	Q. EnvironmentalChemistry.com?	13	points that you make here and
14	MS. O'DELL: Object to the	14	by the way, this is a review
15	form.	15	paper, again not an independent
16	THE WITNESS: I would do the	16	investigator-initiated data from
17	same thing I've done for this	17	the laboratory "Epidemiological
18	report.	18	evidence points to a connection
19	BY MR. HEGARTY:	19	between inflammation and" "and
20	Q. Okay. And is that true for	20	predisposition for the development
21	every resource that we've looked at so	21	of cancer, i.e., long-term
22	far? You would if you were to write a	22	inflammation leads to the
23	scientific journal today, you would	23	development of dysplasia," there's
24	and quoted from all those resources, you	24	no reference there.
	Page 115		Page 117
1	would not use quotation marks and you	1	So this author also,
2	would not give any acknowledgment in	2	Dr. Rakoff-Nahoum sorry, I'm
3	any if you were to write a scientific	3	murdering his name also gives
4	article today?	4	no reference to that.
5	MS. O'DELL: Object to form.	5	Again, in this case, using
6	Misstates her testimony.	6	my analogy of something that has
7	THE WITNESS: I I did say	7	been gathered by numerous other
8	that there are certain cases that	8	investigators and is common
9	if I had to do it over and based	9	knowledge to the to the
10	upon your rigorous opinion of	10	scientific population, he did also
11	this, that I would place quotation	11	not use a reference. And I did
12	marks or add a reference, yes.	12	not use a reference.
13	(Document marked for	13	BY MR. HEGARTY:
14	identification as Exhibit	14	Q. But if but if you look at
15	Zelikoff-18.)	15	his the last reference, Number 4, he
16	BY MR. HEGARTY:	16	does acknowledge a resource for all of
17	Q. I'm going to show you what	17	those statements, Resource 20 in the
18	I'm next marking as Exhibit 18.	18	publication, correct?
19	This is another portion of	19	MS. O'DELL: Objection.
20	your report. In addition to that	20	Could you provide, if you're
21	exhibit or with that exhibit is a	21	going to use this exhibit, provide
22	reference to a publication by	22	the full manuscript that
23	Rakoff-Nahoum, where you again made	23	identifies Resource 20.
24	references to four different sentences	24	(Document marked for

1		Page 118		Page 120
BY MR. HEGARTY: Q. I'll mark as 20, the entirety of the Rakoff-Nahoum article, which does include 20, which is a reference to Hussain, "Radical Causes of Cancer." A. Citation 20 in Exhibit 20 is also a review paper, and none of these independent investigator who actually said this. So these are reviewed in. Again, standing by my opinion that officinities in review articles, they often take the liberty, as seen in your first point, that you do not use a reference. Now, I would have to read Now, I would have to read Now, I would have to read in your "Why Cancer and Inflammation" Page 119 I do not know that Reference 20 in order to see whether in your "Why Cancer and Inflammation" paper. Page 119 I do not know that Reference 20 actually reviews all of these points and are the reference. Also, many of these points - and again, another review paper. Many of these points, the chronic inflammatory states associated with infection, irritation, may lead to environments that foster genomic lesions in tumor initiation, nor reference there. Chronic inflammatory states associated with infection, irritation, may lead to environments that foster genomic lesions in tumor initiation, nor reference there. Chronic inflammatory states associated with infection, irritation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments that foster genomic lesions in tumor initiation, may lead to environments	1	identification as Exhibit	1	publication by OSHA for purposes of your
4	2	Zelikoff-20.)	2	report. Do you see that?
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2 Reference 20 actually reviews all of 3 these points and are the reference. 4 Also, many of these 5 points and again, another review 6 paper. 6 Many of these points, the 8 chronic inflammatory states associated 9 with infection, irritation, may lead to 10 environments that foster genomic lesions 11 in tumor initiation, no reference there. 12 One effect and mechanism, et 13 cetera, et cetera. Hydroxyl radicals, 14 reactive oxygen species, no reference 15 there. No quotation marks. 16 So I don't know whether he, 17 in fact, uses the same logic that I did. 18 (Document marked for 19 identification as Exhibit 20 Zelikoff-19.) 21 BY MR. HEGARTY: 22 Q. I'm going to show you 23 Exhibit 19. This is another reference 24 Again, did I use the same 26 words? In many cases, I did here. 27 Gan also develop an 28 Again, did I use the same 3 studies. 4 Again, did I use the same 5 words? In many cases, I did here. 7 Can also develop an 3 allergic skin reaction called 3 allergic contact dermatitis." I'm 9 not quite sure how else you can 10 say that, that phrase. 11 So I still feel confident in 12 what I did was based upon my 13 cetera, et cetera. Hydroxyl radicals, 13 professional judgment. 14 (Document marked for 15 there. No quotation marks. 15 identification as Exhibit 16 Zelikoff-21.) 17 BY MR. HEGARTY: 18 Q. Okay. I'll show you what I 19 next marked as Exhibit 21. Exhibit 21 is 20 again a portion of your report where we 21 have identified statements that are taken 22 verbatim without acknowledgment from the 23 Exhibit 19. This is another reference				
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Q. I'm going to show you 22 verbatim without acknowledgment from the 23 Exhibit 19. This is another reference 23 publication attached thereto by Kasprzak.		*		
23 Exhibit 19. This is another reference 23 publication attached thereto by Kasprzak.				
1				
A TO WINGLE VOIL COUNTRIES OF A CONTRACT OF A CONTRACT OF STATE OF THE SHORE STATE OF THE	24	where you copied portions of a	24	A. Kasprzak. I'm sorry, sir.

	Page 122		Page 124
1	MS. O'DELL: Did you finish	1	risks are primarily related to
2	your question?	2	exposure to soluble nickel
3	BY MR. HEGARTY:	3	concentrations," et cetera, et
4	Q. No. Do you see where I'm	4	cetera.
5	talk do you see where I'm referencing?	5	But in many cases throughout
6	MS. O'DELL: Object to form.	6	this reference, I can also it
7	THE WITNESS: I	7	being a review paper, I can also
8	MS. O'DELL: Take a moment	8	tell you there's epidemiological
9	if you need to, Doctor.	9	evidence on possible cancer risk
10	THE WITNESS: So what I see	10	from general environment and
11	in the abstract of a paper, a	11	dietary nickel exposures not cited
12	review paper called Nickel	12	as a reference, not quoted.
13	Carcinogenesis by Kasprzak and	13	BY MR. HEGARTY:
14	Sunderman and Konstantine	14	Q. Are you finished?
15	Salnikow, you say you're	15	A. I am, thank you.
16	pointing to, "The exact mechanisms	16	THE WITNESS: Excuse me.
17	of nickel-induced carcinogenesis	17	May I just point out that it's
18	are not known and have been	18	getting even colder in here and
19	subject of numerous	19	I'm a bit uncomfortable.
20	epidemiological and experimental	20	(Whereupon, a discussion was
21	investigations."	21	held off the record.)
22	That is not that okay.	22	THE WITNESS: May I go get
23	And what's in my paper is, "The	23	my scarf?
24	exact mechanisms of nickel-induced	24	MR. HEGARTY: Off the
	Page 123		Page 125
1		1	
1	cainogenesis are not known but	1 2	record. THE VIDEOGRAPHER: The time
2 3	likely involve genetic and	3	
4	epigenetic routes." That's not the same as this	4	is 11:11 a.m. Off the record.
			(Short break.) THE VIDEOGRAPHER: The time
5	sentence. It has portions of the	5 6	is 11:23 a.m. Back on record.
6 7	same, but not the entire sentence	7	
8	is the same.	8	(Documents marked for
9	"Are likely to evolve	9	identification as Exhibits
10	genetic and epigenetic routes."	10	Zelikoff-25 through 32.)
11	Not quite sure how else you would	11	MR. HEGARTY: We're back on
12	say this.	12	the record. I'm going to mark I've marked as Exhibits 25 through
13	And this again is a review	13	E
14	paper. And going through it, here I can cite a sentence.	14	32, other examples taken from
15		15	Dr. Zelikoff's report where
16	"Occupational exposure to nickel	16	along with the references to which they were taken. And I'm just
17	occurs predominately in mining, refining, alloy production,	17	•
18	electroplating, and welding."	18	going to mark those for purposes
19	1 0	19	of the deposition as those exhibits.
」 エフ			CAIHUILS.
	This is in the review by Kasprzak.		
20	There's no reference there either.	20	MS. O'DELL: What's the
20 21	There's no reference there either. In this sentence, "In 1990	20 21	MS. O'DELL: What's the exhibit number?
20 21 22	There's no reference there either. In this sentence, "In 1990 the International Committee on	20 21 22	MS. O'DELL: What's the exhibit number? MR. HEGARTY: Exhibits 25
20 21	There's no reference there either. In this sentence, "In 1990	20 21	MS. O'DELL: What's the exhibit number?

32 (Pages 122 to 125)

	Daga 126		Daga 120
	Page 126	_	Page 128
1	come back to it. So we did get	1	A. That was my that was
2	kind of out of order in the way I	2	the request was to assess biological
3	marked those.	3	plausibility.
4	MS. O'DELL: So plaintiff	4	Q. You say in that portion that
5	objects to the Exhibit 25 through	5	we just reviewed that you say for the
6	32 being added to the record.	6	increased risk of ovarian cancer with
7	There's no testimony from	7	talc use. Did you assume for purposes of
8	Dr. Zelikoff. So any assertion	8	your report that there is, in fact, an
9	that counsel has made that those	9	increased risk of ovarian cancer with
10	are relevant, we would object	10	talc use?
11	and and oppose their being	11	A. I'm sorry, sir, can you tell
12	included.	12	me exactly which paragraph?
13	BY MR. HEGARTY:	13	 Q. In the first paragraph under
14	Q. Doctor, if you would look at	14	the section Mandate and Methodology, you
15	your report which is Exhibit Number 2.	15	say "assess whether there is biologic
16	A. Yes, sir.	16	plausibility" "biologically plausible
17	Q. On Page 2 of your report,	17	explanation for the increased risk of
18	under the section Mandate and	18	ovarian cancer with the perineal use of
19	Methodology?	19	talcum powder products."
20	A. Yes, sir, I see it.	20	Do you see that? See where
21	Q. You say your mandate was to	21	I'm reading?
22	look at the scientific literature and	22	A. I am sorry, sir, I do not.
23	assess whether there is biologic	23	Q. First paragraph under
24	plausibility for talc to cause ovarian	24	page on Page 2 under mandate and
	Page 127		Page 129
1	cancer from perineal use; is that	1	methodology.
2	correct?	2	A. Is that the notion of
3	MR. GOLOMB: I'm sorry.	3	biological plausibility paragraph, or are
4	What page are you on?	4	you
5	MR. HEGARTY: Page 2.	5	Q. It's the first paragraph
6	THE WITNESS: Are you done?	6	under the section Mandate and
7	BY MR. HEGARTY:	7	Methodology.
8	Q. Yes.	8	A. Well, sir, there are two,
9	A. My mandate was to review the	9	two paragraphs. One says mandate. I was
10	scientific literature and assess whether	10	asked to review the scientific
11	there was biological plausible	11	literature. Then there is another
12	explanation for the increased risk of	12	paragraph that says the notion of
13	ovarian cancer with perineal use of	13	biological plausibility is
14	talcum powder products, yes, that is	14	multifactorial.
15	correct.	15	Q. Doctor, if you'd listen to
16	Q. Who gave you that mandate?	16	my question. I said the first paragraph
17	A. That was the plaintiff	17	under mandate and methodology. Do you
18	attorney, Ms. Emory [sic] and Ms. O'Dell.	18	understand that?
19	Q. You say	19	A. I do not I do not see it
20	A. They I but let me add	20	and you can
21	they when you say gave me that	21	Q. You don't see the first
22	mandate, can you explain what you mean by	22	paragraph that begins mandate?
23	gave me that mandate?	23 24	A. I just read that to you, sir.
24	Q. Well, from		

	Page 130		Page 132
1	Q. And and you understand	1	Q. What graduate students
2	that's the first paragraph of under	2	assisted you?
3	the section Mandate and Methodology?	3	A. Are you asking me for their
4	A. Under mandate it says, "I	4	names?
5	was asked to review the scientific	5	Q. Yes.
6	literature and assess whether there is	6	A. Nick Lawrence who was a
7	biological plausible explanation for the	7	master student. And Catherine Fecchi who
8	increased risk of ovarian cancer and the	8	was my master student. Both of them have
9	perineal use of talcum powder products."	9	which graduated.
10	Q. And for purposes of your	10	Q. Did you bill plaintiffs'
11	mandate, did you assume that there was,	11	counsel for their time?
12	in fact, an increased risk of ovarian	12	A. I paid them out of my
13	cancer with the perineal use of talcum	13	pocket.
14	powder?	14	Q. And how much did you pay
15	A. I made no assumptions.	15	them per hour?
16	Q. Did you individually assess	16	A. \$25 per hour.
17	whether there is an increased risk of	17	Q. Do you describe strike
18	ovarian cancer with the perineal use of	18	that.
19	talcum powder products?	19	Anyone else assist you with
20	A. Could you please slow down?	20	your literature search?
21	You are asking the question very quickly.	21	A. I'm sorry, anyone else?
22	Q. Okay. Did you	22	Q. Assist you in your
23	individually did you do an analysis of	23	independent comprehensive literature
24	whether there's an increased risk of	24	review.
	Page 131		Page 133
1	ovarian cancer with perineal use of	1	A. No, sir.
2	talcum powder products?	2	Q. So doing the searches was
3	A. No. As you can see by the	3	part of your methodology for preparing
4	mandate I was asked to assess the	4	your report, correct?
5	biological plausibility. I did no	5	A. Doing the searches were my
6	analysis of causation.	6	initial, my initial, yes.
7	Q. You did no analysis of	7	Q. Did you prepare in advance a
8	whether there is, in fact, an increased	8	written protocol on how you were going to
9	risk of ovarian cancer with the perineal	9	do the searches?
10	use of talcum powder products?	10	A. I followed the same protocol
11	A. I did no analysis of	11	that I used for papers, publications,
12	causation. I'm not an epidemiologist.	12	advisory boards, grant grant reviews
13	Q. You also discuss in the	13	and grants that I write.
14	third paragraph, which begins "I	14	Q. That's not my question. My
15	performed an independent comprehensive	15	question is, did you prepare a written
16	literature review."	16	protocol as far as how you were going to
17	A. I see that, yes. Thank you.	17	do the literature review for purposes of
18	Q. That you did do a literature	18	your report?
19	search, correct?	19	A. I did not do a written
20	A. I did do a literature	20	outline as to how to do this. I've been
21	search, correct.	21 22	doing this for over 35 years.
22 23	Q. Did you do this yourself?	22	Q. You agree that it was part
24	A. I did do this myself along	24	of your methodology is for your
∠ 4	with several graduate students.	<u> 24</u>	literature search, to find and review all

	Page 134		Page 136
1		1	
1	literature that touch on talc and its	1	reviewed all of the literature out
2	biologic effects, correct?	2	there. I have no way of knowing
3	MS. O'DELL: Object to the	3	that I reviewed or have not.
4	form.	4	I gathered the literature in
5	THE WITNESS: My purpose was	5	a systematic fashion and I
6	to examine the literature, assess	6	reviewed that literature. BY MR. HEGARTY:
7	the literature, first identify the	7	
8	literature that I felt was	8	Q. Did you read every paper
9	well, all all the literature	9 10	that you found from your literature search?
10 11	that I could find or that the	11	
	students could find, and from me		A. Only those that were
12	to review them in terms of	12	relevant. I read the abstracts to
13	relevancy and pertinence to the	13	determine whether it was in fact related
14	question that I was being asked.	14	to the question that I was being asked.
15	BY MR. HEGARTY:	15	When you do a literature
16	Q. Did you do any testing of	16	search, you come up with things that are
17	your methodology of doing searches to	17	related and some that are not related at
18	ensure that you had captured all the	18	all.
19	relevant literature?	19	Q. Does your report anywhere
20	MS. O'DELL: Object to the	20	describe or include a description of how
21	form.	21	you weighed the various authorities that
22	THE WITNESS: What do you	22	you reviewed?
23	mean by testing?	23	A. My report talks about under
24	BY MR. HEGARTY:	24	mandate and methodology how I the last
	Page 135		Page 137
1	Q. Well, I don't know. Did you	1	paragraph, and that begins more than 300
2	do any tests, having someone else do	2	publications, will talks about how
3	searches, repeating the searches, to see	3	I how I looked at the publications and
4	if your original searches captured all of	4	how I decided how to cut down or dismiss
5	the relevant literature?	5	certain papers based on a closer
6	A. We did several searches	6	scrutiny. And I focused specifically for
7	doing using different words and	7	biological plausibility and being a
8	different aspects, so that we could we	8	toxicologist on in vitro, in vivo, and ex
9	got numerous duplicates because we came	9	vivo studies as well as cell studies,
10	in with different words, and key	10	animal studies, and tissues.
11	keywords and key phrases.	11	Q. Did you assign any numerical
12	Q. You do agree that it would	12	value to each authority as they relate to
13	be necessary for a proper methodology to	13	the importance to you?
14	reach opinions about biologic	14	A. I did not assign any
15	plausibility, that you have reviewed all	15	numerical value. There was no
16	the pertinent literature, correct?	16	quantitative measurement done.
17	MS. O'DELL: Object to the	17	Q. Was it also part of your
18	form.	18	methodology to review all expert reports
19	THE WITNESS: To my	19	in the litigation that concerned biologic
20	knowledge I reviewed the	20	plausibility?
21	literature that was pertinent to	21	MS. O'DELL: Object to the
22	the question that I was being	22	form.
23	asked.	23	THE WITNESS: Can you ask me
24	I am not stating that I	24	that again, please.

	Page 138		Page 140
1	BY MR. HEGARTY:	1	THE WITNESS: To my
2	Q. Sure. Was it part of your	2	knowledge, I have no knowledge as
3	methodology to review all expert reports	3	to how they selected the reports
4	in the litigation concerning biologic	4	or which reports they selected to
5	plausibility?	5	send.
6	A. I I looked at reports	6	BY MR. HEGARTY:
7	that had relevancy in terms of animal	7	Q. You didn't have get a
8	models, in vitro cultures or ex vivo	8	list of all expert reports and decide
9	studies, yes. My opinion was formed	9	which ones you wanted, correct?
10	primarily by the publications and the	10	MS. O'DELL: Object to the
11	science that I reviewed.	11	form.
12	Q. Was it part of your	12	THE WITNESS: I no. I
13		13	
14	methodology for purposes of your opinions to review the expert witness reports from	14	did not get a list of an entirety. BY MR. HEGARTY:
15		15	
16	the litigation that touch on biologic plausibility?	16	Q. Do you know plaintiffs' counsel methodology for purposes of
17		17	selecting the reports to provide to you?
18	MS. O'DELL: Object to the form. Asked and answered.	18	A. I do not know their
19	THE WITNESS: I reviewed the	19	
20		20	methodology, but I would guess since
21	publications and the book chapters	21	papers were supplied to me that had both
22	and information that I thought	22	opinions and conclusions that led to
23	would go towards my my opinion. BY MR. HEGARTY:	23	either positive associations or lack of
24		24	positive or data from scientific in vivo
24	Q. Your expert report, as we	24	studies, et cetera, that showed effects
	Page 139		Page 141
1	have looked at, includes references to	1	and no effects, I would assume that I got
2	several other experts' reports, correct?	2	all the literature both from both
3	We looked at that earlier.	3	perceptions.
4	A. If you say so, yes.	4	Q. Can you identify any medical
5	Q. Did you select those expert	5	literature that you had reviewed prior to
6	reports for purposes of your review?	6	being contacted by Ms. Emmel?
7	MS. O'DELL: Object to the	7	A. Medical literature on?
8	form.	8	Q. Let me finish my question.
9	THE WITNESS: I formed my	9	A. I'm sorry.
10	opinion with contributions from	10	Q. Can you identify any
11	some of the reports that I had.	11	scientific or medical literature that you
12	But it was primarily based upon	12	reviewed before being contacted by
13	literature reviews.	13	Ms. Emmel concerning talc and ovarian
14	BY MR. HEGARTY:	14	cancer?
15	Q. The reports that you had	15	A. There is no literature that
16	were provided to you by plaintiffs'	16	I reviewed prior to me being contacted by
17	counsel, correct?	17	Ms. Emmel.
18	A. Reports that I received was	18	Q. Also in Exhibit B
19	supplied to me by plaintiffs' counsel.	19	A. B as in boy?
20	Q. They selected the reports	20	Q boy to your report.
21	that they were going to provide to you,	21	There is a listing of produced documents
22	correct?	22	by Bates number.
23	MS. O'DELL: Object to the	23	A. Correct. I see it,
24	form.	24	"materials and data considered."

Page 142 1 Q. Did the plaintiffs' counsel 2 provide you with copies of those 3 documents? 4 A. I have not gone through 5 every paper in those multiple binders. I 6 would assume that many of them are in 7 there. 8 Q. That's not my question, 9 Doctor. My question was, were those 10 documents provided to you by counsel for 11 plaintiffs? 12 MS. O'DELL: What documents 13 are you referring to? 14 MR. HEGARTY: The documents 15 that are listed by Bates number in 16 Exhibit B. 17 THE WITNESS: Oh, you're 18 talking about produced documents? 19 BY MR. HEGARTY: 10 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced 25 documents provided to you by counsel for 2 plaintiffs? 3 A. Produced documents 4 supplied to me in the folder that is 5 listed, production documents. 6 Q. Did you ask for those 7 specific documents or specific documents to send to you? 14 A. I do not. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 documents brised under the 21 documents brised under the 22 dedocuments that to my knowledge. 23 Q. Did you receive 4 A. I reviewed all of thes 4 as production documents I. Idid not check one for another, so I cannot say I did 4 all of these - A. I reviewed all of the 4 as production documents I. Idid not check one for another, so I cannot say I did 6 all of these - Q. Did you receive 4 A or they did not. 9 Q. Did you receive 10 from counsel from plaintiffs all the documents that have been produced in this 11 documents that have been produced every single document there is out there. 12 Q. Did you ask for those 13 plausibility? 14 MS. O'DELL: Object to the form. 15 THE WITNESS: Oh, you're 16 plausibility? 17 plausibility? 18 plausibility? 19 plausibility? 20 plausibility? 21 plausibility? 22 plausibility? 23 plausibility? 24 plausibility? 25 plausibility? 26 plausibility? 27 plausibility? 28 plausibility? 29 plausibility? 29 plausibility? 20 pla		7 140			
2 provide you with copies of those 3 documents? 4 A. I have not gone through 5 every paper in those multiple binders. I 6 would assume that many of them are in 7 there. 8 Q. That's not my question, 9 Doctor. My question was, were those 10 documents provided to you by counsel for 11 plaintiffs? 12 MS. O'DELL: What documents 13 are you referring to? 14 MR. HEGARTY: The documents 15 that are listed by Bates number in 16 Exhibit B. 17 THE WITNESS: Oh, you're 18 talking about produced documents? 19 BY MR. HEGARTY: 19 BY MR. HEGARTY: 10 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced 25 documents provided to you by counsel for 26 plaintiffs? 3 A. Produced documents 26 documents provided to you by counsel for 27 plaintiffs? 3 A. Produced documents 28 supplied to me in the folder that is 29 Q. Do you know what the 10 methodology was for selecting those 11 specific documents? 12 A. I do not. 13 MS. O'DELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 A. I did not. 19 Q. Do you know what the 10 methodology was for selecting those 11 specific documents to send to you? 12 A. I do not. 13 MS. O'DELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 MS. O'DELL: Object to the 19 Q. Do you know what the 10 methodology was for selecting those 11 specific documents to send to you? 12 A. I do not. 13 MS. O'DELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 MS. O'DELL: Object to the 19 form. 19 produced documents that would fall 19 under the definition of produced 20 documents besides those plaintiffs' 21 counsel provided to you? 22 A. Not to my knowledge. 23 Q. Did you receive 24 A. Not to my knowledge of whether I received all documents. 25 BY MR. HEGARTY: 26 A. I do not. 27 D. Did you ask for any 28 D. Did you ask for any 29 D. Do you know what the 19 methodology was for selecting those 19 D. Detail: Did not ask it in		Page 142		Page 144	
documents? A. I have not gone through 5 every paper in those multiple binders. I 6 would assume that many of them are in 7 there. B. Q. That's not my question, 9 Doctor. My question was, were those 10 documents provided to you by counsel for 11 plaintiffs? 12 MS. ODELL: What documents 13 are you referring to? 14 MR. HEGARTY: The documents 15 that are listed by Bates number in 16 Exhibit B. 17 THE WITNESS: Oh, you're 18 talking about produced documents? 19 BY MR. HEGARTY: 19 BY MR. HEGARTY: 20 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced 25 documents provided to you by counsel for 26 plaintiffs? 3 A. Produced documents were 4 supplied to me in the folder that is 5 listed, production documents were 4 supplied to me in the folder that is 5 listed, production documents 6 Q. Did you ask for those 7 specific documents? 8 A. I did not. 9 Q. Do you know what the 9 methodology was for selecting those 10 methodology was for selecting those 11 specific documents to send to you? 11 MS. OTELL: Object to the 12 form. 13 MS. ODELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 documents base those plaintiffs' 21 counsel provided to you? 22 A. Not to my knowledge. 23 Q. Did you ask for any 24 did ont these 25 Did you receive 26 Did you receive 27 Q. Did you receive 28 A or they did not. 29 Did you receive 29 Did you receive 30 A or they did not. 31 did of these 31 did of these 32 The WITNESS: I all the documents that ave been produced in this litigation that concerned biologic 32 plausibility? 33 Dausibility? 34 MS. ODELL: Object to the 35 form. 36 THE WITNESS: I have no 36 knowledge of whether I received all documents that would fall under the definition of produced 37 Q. Did you ask for those 38 A. I did not. 39 Plausibility? 30 Dausibility? 30 Dausibility? 31 Dausibility? 31 Dausibility? 32 Dausibi	1	Q. Did the plaintiffs' counsel	1	section "produced documents"?	
4 A. I have not gone through 5 every paper in those multiple binders. I 6 would assume that many of them are in 7 there. 8 Q. That's not my question, 9 Doctor. My question was, were those 10 documents provided to you by counsel for plaintiffs? 12 MS. O'DELL: What documents 13 are you referring to? 14 MR. HEGARTY: The documents 15 that are listed by Bates number in 16 Exhibit B. 17 THE WITNESS: Oh, you're 18 talking about produced documents? 18 BY MR. HEGARTY: 20 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced Page 143 1 documents provided to you by counsel for plaintiffs? 3 A. Produced documents were 4 supplied to me in the folder that is 5 listed, production documents. 6 Q. Did you ask for those 7 specific documents? 8 A. I did not. 9 Q. Do you know what the 10 methodology was for selecting those 11 specific documents? 12 MS. O'DELL: Object to the 13 methodology was for selecting those 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 documents provided to you? 21 Q. Did you review all the 22 document shall and produced in this in that are no knowledge of whether I received every single document there is out there. 19 BY MR. HEGARTY: 20 Q. Did you ask for those 3 G. Did you ask for those 4 Supplied to me in the folder that is 5 listed, production documents. 6 Q. Did you ask for those 10 specific documents to send to you? 11 glausibility? 12 MS. O'DELL: Object to the 13 methodology was for selecting those 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 documents besides those plaintiffs' counsel provided to you? 21 Q. Did you revieve wall the 22 Did you review was provided to you? 23 document besides the produced documents, and I also did my own literature search. Yes. 24 BY MR. HEGARTY: 25 Q. Did you ask for any 26 Did you ask f	2	provide you with copies of those	2	A. I reviewed all of the	
severy paper in those multiple binders. I would assume that many of them are in the re. 8 Q. That's not my question, 9 Doctor. My question was, were those 10 documents provided to you by counsel for plaintiffs? 12 MS. O'DELL: What documents 12 may our referring to? 13 are you referring to? 14 MR. HEGARTY: The documents 15 that are listed by Bates number in 16 Exhibit B. 17 THE WITNESS: Oh, you're 18 talking about produced documents? 19 BY MR. HEGARTY: 19 Why the documents? 19 BY MR. HEGARTY: 10 Why the documents? 20 Q. Yes. 10 Why the documents 12 where we want the plaintiffs? 21 A. Repeat your question, 12 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced 24 while the plaintiffs? 25 why the word of the form. 25 specific documents were 15 specific documents were 16 why the methodology was for selecting those 27 specific documents to send to you? 18 Why. HEGARTY: 10 Why. HEGARTY: 10 Why. HEGARTY: 11 Why. Why. Why. HEGARTY: 12 Why. Why. Why. Why. Why. Why. Why. Why.	3	documents?	3	documents that are in the binder listed	
6 would assume that many of them are in there. 7 there. 8 Q. That's not my question, 9 Doctor. My question was, were those documents provided to you by counsel for plaintiffs? 12 MS. ODELL: What documents are you referring to? 13 are you referring to? 14 MR. HEGARTY: The documents that are listed by Bates number in talking about produced documents? 15 that are listed by Bates number in talking about produced documents? 18 that are listed by Bates number in talking about produced documents? 19 BY MR. HEGARTY: 20 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents listed by Bates number under produced Page 143 1 documents provided to you by counsel for plaintiffs? 3 A. Produced documents were specific documents? 4 supplied to me in the folder that is 5 listed, production documents. 5 Q. Did you ask for those specific documents? 8 A. I did not. 9 Q. Do you know what the methodology was for selecting those specific documents to send to you? 11 MS. O'DELL: Object to the form. 12 MS. O'DELL: Object to the form. 13 MS. O'DELL: Object to the form. 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any additional documents that would fall under the definition of produced. 22 documents bate would fall under the definition of produced. 23 documents bate would fall under the definition of produced. 24 A. Not to my knowledge. 25 Did you review all the 26 documents did not. 27 O. Did you ask for any additional documents that would fall under the definition of produced. 28 Definition that concerned biologic plausibility? 29 Date of the form. 29 Date of the form. 20 Did you ask for any additional documents that would fall under the definition of produced. 28 Date of the form. 29 Date of the document bate would fall under the definition of produced. 30 Date of the seven produced in this litigation that concerned biologic plausibility? 31 Date of the seven produced every single document there is out the form. 32 Date of the seven produced in this litigation that concerned biologi	4	A. I have not gone through	4	as production documents. I did not check	
7 there. 8 Q. That's not my question, 9 Doctor. My question was, were those documents provided to you by counsel for plaintiffs? 12 MS. O'DELL: What documents 13 are you referring to? 14 MR. HEGARTY: The documents 15 that are listed by Bates number in 16 Exhibit B. 17 THE WTINESS: Oh, you're 18 talking about produced documents? 19 BY MR. HEGARTY: 19 BY MR. HEGARTY: 19 BY MR. HEGARTY: 19 BY MR. HEGARTY: 10 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced 25 Q. Did you ask for those 2 specific documents. 26 Q. Did you ask for those 27 specific documents? 28 A. I did not. 29 Q. Do you know what the 20 methodology was for selecting those 10 documents brovided to you? 11 MS. O'DELL: Object to the 12 form. 13 MS. O'DELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 16 BY MR. HEGARTY: 17 Q. Did you ask for any additional documents that would fall 19 under the definition of produced 20 documents besides those plaintiffs: 21 counsel from plaintiffs all the 22 documents that have been produced in this 11 tiggatin that concerned biologic 12 plausibility? 14 MS. O'DELL: Object to the 15 form. 15 THE WITNESS: I have no 16 MS. O'DELL: Object to the 17 THE WITNESS: Did not ask it 18 in that manner. 19 MS. O'DELL: Object to the 10 methodology was for selecting those 10 methodology was for selecting those 11 plausibility? 12 MS. O'DELL: Object to the 13 MS. O'DELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 documents besides those plaintiffs' 21 counsel provided to you? 22 A. Not to my knowledge. 23 Q. Did you review all the 24 documents, did you sign a protective 25 order before reviewing those documents?	5	every paper in those multiple binders. I	5	one for another, so I cannot say I did	
8 Q. That's not my question, 9 Doctor. My question was, were those 10 documents provided to you by counsel for 11 plaintiffs? 12 MS. O'DELL: What documents 13 are you referring to? 14 MR. HEGARTY: The documents 15 that are listed by Bates number in 16 Exhibit B. 17 THE WITNESS: Oh, you're 18 talking about produced documents? 18 BY MR. HEGARTY: 20 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced 25 Did you ask for those 4 supplied to me in the folder that is 5 listed, production documents. 6 Q. Did you ask for those 7 specific documents or specific documents to send to you? 11 A. I do not. 12 Day on the work of any 13 A. O'DELL: Object to the 14 form. 15 THE WITNESS: One of the folder that is 16 documents provided to you by counsel for 17 specific documents were 18 A. I did not. 9 Q. Do you know what the 10 methodology was for selecting those 11 psecific documents to send to you? 12 A. I do not. 13 MS. O'DELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 documents besides those plaintiffs' 21 counsel provided to you? 22 A. Not to my knowledge. 23 Q. Did you review all the 24 documents that have been produced in this 25 litigation that concerned biologic 26 plausibility? 27 MS. O'DELL: Object to the 28 A. Tidd not. 29 Janual THE WITNESS: Did not ask it 29 in that are insted by Bates number in 29 Janual THE WITNESS: Did not ask it 20 documents to send to you? 21 A. I do not. 22 Janual The Witness of the form. 23 Janual The Witness of the form. 24 Janual The Witness of the form. 25 Janual The Witness of the form. 26 Janual The Witness of the form plaintiffs all the documents that have been produced werey single document there is out there. 38 Janual The WITNESS: Did not ask it in the counter of the definition of produced documents that have been produced in this litigation that concerned biologic plausibility? 39 Janual The	6	would assume that many of them are in	6	all of these	
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11	9	Doctor. My question was, were those	9		
12	10	documents provided to you by counsel for	10	from counsel from plaintiffs all the	
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13 are you referring to? 14 MR. HEGARTY: The documents that are listed by Bates number in 15 that are listed by Bates number in 16 Exhibit B. 17 THE WITNESS: Oh, you're 18 talking about produced documents? 19 BY MR. HEGARTY: 20 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced 25 A. Produced documents were 26 supplied to me in the folder that is 27 specific documents? 28 A. I did not. 29 Q. Did you ask for any 20 Q. Do you know what the 21 form. 22 please. 23 A. I do not. 24 specific documents or specific documents to send to you? 25 plausibility? 26 MS. O'DELL: Object to the form. 27 form. 28 A. I do not. 29 Q. Do you know what the 30 G. Do you know what the 31 MS. O'DELL: Object to the form. 32 MS. O'DELL: Object to the form. 33 MS. O'DELL: Object to the form. 34 MS. O'DELL: Object to the form. 35 MS. O'DELL: Object to the form. 36 MS. O'DELL: Object to the form. 37 MS. O'DELL: Object to the form. 38 MS. O'DELL: Object to the form. 39 Q. Did you ask for any additional documents that would fall under the definition of produced documents besides those plaintiffs' counsel provided to you? 30 Q. Did you review all the 31 MS. O'DELL: Object to form. 32 MS. O'DELL: Object to form. 33 MS. O'DELL: Object to form. 34 MS. O'DELL: Object to form. 35 MS. O'DELL: Object to form. 36 MS. O'DELL: Object to form. 37 MS. O'DELL: Object to form. 38 MS. O'DELL: Object to form. 39 MS. O'DELL: Object to form. 40 MS. O'DELL: Object to form. 41 MS. O'DELL: Object to form. 42 MS. O'DELL: Object to form. 43 MS. O'DELL: Object to form. 44 MS. O'DELL: Object to form. 45 MS. O'DELL: Object to form. 46 MS. O'DELL: Object to form. 47 MS. O'DELL: Object to form. 48 MS. O'DELL: Object to form. 49 MS. O'DELL: Object to form. 40 MS. O'DELL: Object to form. 40 MS. O'DELL: Object to form. 40 MS. O'DELL: Object to form. 41 MS. O'DELL: Object to form. 41 MS. O'DELL: Object to form. 41 MS	12	MS. O'DELL: What documents	12		
14 MR. HEGARTY: The documents 15 that are listed by Bates number in 16 Exhibit B. 16 17 THE WITNESS: Oh, you're 18 talking about produced documents? 19 BY MR. HEGARTY: 19 20 Q. Yes. 20 21 A. Repeat your question, 21 22 please. 20 23 Q. Sure. Were the documents 24 listed by Bates number under produced 24 in this case concerning biologic Page 143 1 documents provided to you by counsel for plaintiffs? 23 2 A. Produced documents were 34 supplied to me in the folder that is 51 listed, production documents. 55 listed, production documents. 55 listed, production documents. 55 listed couments? 7 specific documents? 7 specific documents? 8 A. I did not. 8 MS. O'DELL: Object to the methodology was for selecting those 10 MS. O'DELL: Object to the form. 12 A. I do not. 12 MS. O'DELL: Object to the form. 14 form. 15 THE WITNESS: Sorry. 15 MS. O'DELL: Object to form. 17 WR. HEGARTY: 16 MS. O'DELL: Object to the form. 14 form. 14 form. 15 THE WITNESS: Sorry. 15 moduced documents that concern biologic plausibility? 16 MS. O'DELL: Object to form. 17 WR. HEGARTY: 16 MS. O'DELL: Object to form. 17 WR. Plausibility? 17 MS. O'DELL: Object to form. 17 WR. HEGARTY: 18 MS. O'DELL: Object to form. 18 additional documents that would fall under the definition of produced 19 under the definition of produced 19 under the definition of produced 19 under the definition of produced 22 A. Not to my knowledge. 22 order before reviewing those documents?	13	are you referring to?	13		
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19 BY MR. HEGARTY: 20 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced Page 143 1 documents provided to you by counsel for 2 plaintiffs? 3 A. Produced documents were 4 supplied to me in the folder that is 5 listed, production documents. 6 Q. Did you ask for those 7 specific documents? 8 A. I did not. 9 Q. Do you know what the 10 methodology was for selecting those 11 omethodology was for selecting those 12 A. I do not. 13 MS. O'DELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 Did you review all the 21 Q. Did you review all the 22 documents; 23 A. Produced documents 24 supplied to me in the folder that is 4 THE WITNESS: Did not ask it 6 I did ask for in vitro 8 studies that they could find, ex 9 vivo studies, and I also did my 9 own literature search. Yes. 10 BY MR. HEGARTY: 11 Q. Were you did you 12 understand that or do you understand 14 that you've been provided with all the 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 documents besides those plaintiffs' 21 counsel provided to you? 22 A. Not to my knowledge. 23 OW thr regard to the produced 24 in this case concerning biologic 24 in this case concerning biologic 25 all the documents that have been provided with 26 form. 27 THE WITNESS: Did not ask it 28 in that manner. 29 Q. Devough of the studies of the search. Yes. 30 HS O'DELL: Object to form. 31 THE WITNESS: I have no 32 kocunsel for political in this case concerning biologic 32 documents, did you sign a protective 33 all the documents that would fall of the produced documents, that you very been provided with all the produced documents that you've been provided with all the produced documents that you've gouen did you concerning the produced doc	17	THE WITNESS: Oh, you're	17	knowledge of whether I received	
19 BY MR. HEGARTY: 20 Q. Yes. 21 A. Repeat your question, 22 please. 23 Q. Sure. Were the documents 24 listed by Bates number under produced Page 143 1 documents provided to you by counsel for plaintiffs? 2 plaintiffs? 3 A. Produced documents were 4 supplied to me in the folder that is 5 listed, production documents. 6 Q. Did you ask for those 7 specific documents? 8 A. I did not. 9 Q. Do you know what the 10 methodology was for selecting those 10 methodology was for selecting those 11 specific documents to send to you? 12 A. I do not. 13 MS. O'DELL: Object to the 14 form. 15 THE WITNESS: Sorry. 16 BY MR. HEGARTY: 17 Q. Did you ask for any 18 additional documents that would fall 19 under the definition of produced 20 documents besides those plaintiffs' 21 counsel provided to you? 22 A. Not to my knowledge. 23 Q. Did you ask for - did you 22 ask counsel for plaintiffs to provide you all the documents that have been produced in this case concerning biologic Page 143 Page 145 Page 145 MS. O'DELL: Object to the 1 did ask for in vitro 1 studies that they could find, ex 2 vivo studies, and I also did my 2 own literature search. Yes. BY MR. HEGARTY: 10 Were you did you 21 understand that or do you understand 22 that you've been provided with all the 23 produced documents that concern biologic 24 in this case concerning biologic 25 mS. O'DELL: Object to the 26 form. 27 the WITNESS: Did not ask it 28 in that manner. 29 Were you did you 20 understand that or do you understand 21 that you've been provided with all the 22 produced documents that concern biologic 23 plausibility? 24 MS. O'DELL: Object to form. 25 THE WITNESS: I have no 26 knowledge of whether I received 27 all documents, all the documents,	18				
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Q. Did you review all the 23 order before reviewing those documents?	22		22		
24 documents that are listed under the 24 A Pagarding these produced	0.0		23		
2.1 documents that are instead under the 2.7 A. Regarding these produced	23	Q. Did you review an the			

	Page 146		Page 148
1	documents	1	experiments that I'm aware of that
2	Q. Yes.	2	were done that I have knowledge
3	A did I sign a protective	3	of? No I have no knowledge of any
4	order?	4	laboratory testing or experimental
5	Q. Yes.	5	testing in this field.
6	MS. O'DELL: Object to the	6	BY MR. HEGARTY:
7	form. It's a confidentiality	7	Q. You did not do any testing
8	order in this litigation. You may	8	yourself for purposes of developing your
9	not be aware of it.	9	opinions in this case, correct?
10	MR. HEGARTY: Okay, well,	10	A. I did not do any laboratory
11	confidentiality order.	11	tests.
12	MS. O'DELL: Just so it's	12	Q. All the opinions that are
13	not unclear to the witness.	13	set out in your report about biologic
14	BY MR. HEGARTY:	14	plausibility between talc and ovarian
15	Q. Did you sign a	15	cancer were formed after being contacted
16	confidentiality order before reviewing	16	by counsel for plaintiffs about
17	the Bates-stamped documents?	17	testifying as an expert in this case,
18	A. I signed a confidentiality	18	correct?
19	agreement early on.	19	MS. O'DELL: Objection to
20	Q. Do you rely on any tests for	20	form.
21	purposes of your opinions that are not	21	THE WITNESS: After being
22	reported in the medical literature?	22	contacted by the plaintiffs I did
23	A. Again	23	a literature search and followed
24	MS. O'DELL: Object to the	24	the science.
	Page 147		Page 149
1	form.	1	BY MR. HEGARTY:
2	THE WITNESS: Please	2	Q. That's not my question,
3	describe "tests."	3	Doctor.
4	BY MR. HEGARTY:	4	My question is, all the
5	Q. Well, did you rely on any	5	opinions set out in your report about
6	testing or tests for purposes of your	6	biologic plausibility as they relate to
7	opinions that are not contained in the	7	talc and ovarian cancer were formed after
8	medical literature	8	being contacted by counsel for
9	MS. O'DELL: Objection to	9	plaintiffs, correct?
10	form.	10	A. That is correct.
11	BY MR. HEGARTY:	11	Q. Can you cite for us any
12	Q that we wouldn't have	12	occasion where you've done the exact same
13	access to but that you did?	13	thing that you have done here to prepare
14	MS. O'DELL: Object to the	14	your report; that is, do an analysis of
15	form. Besides those produced in	15	the literature on the biologic
16	the litigation?	16	plausibility between the exposure to a
17	MR. HEGARTY: Yeah, that	17	substance and a disease?
18	goes without saying.	18	A. Nothing has been done
19	MS. O'DELL: It doesn't go	19	exactly like it's been here, but for
20	without saying. It's an unfair	20	advisory boards that I've been on,
21	question.	21	including the National Toxicology Board,
22	THE WITNESS: So if I	22	the Institute of Medicine, the Institute
23	understand your question to mean	23	of Engineering for the National Academies
		24	of Science, we have we were requested

	Page 150		Page 152
1	to do literature reviews on the question	1	the words "biological feasibility" or
2	that's in front of them and come up with	2	"potential mechanisms" or "plausible"
3	an opinion based upon our literature	3	I may have used the word "plausibility,"
4	reviews.	4	but I have used words that are similar to
5	Q. Have you ever published an	5	those.
6	article in the medical literature where	6	Q. Doctor, when did you first
7	you've done the same thing that you've	7	become aware of an alleged link between
8	done here, which is to review all the	8	ovarian cancer and talc use?
9	literature on a substance and a disease	9	MS. O'DELL: Object to the
10	and offer opinions as to whether there's	10	form.
11	biologic plausibility between that	11	THE WITNESS: When did I
12	substance and a disease?	12	first become aware of the alleged
13	A. I have written reviews that	13	link between ovarian cancer and
14	are a culmination of all of the	14	talc use? From from the media.
15	literature that I reviewed on topics.	15	I would say maybe a year prior to
16	Never one on ovarian cancer and talc.	16	being contacted by Ms. Emmel.
17	And to my knowledge, I have	17	BY MR. HEGARTY:
18	not offered an opinion, but followed a	18	Q. Can you cite for me any
19	conclusion from the science.	19	scientific or medical group, entity or
20	Q. I think my question is a	20	organization who has concluded that
21	little bit different. My question is,	21	genital talc use causes ovarian cancer?
22	have you published any article in the	22	A. I really, my opinion is
23	literature where you have done	23	based on biological plausibility.
24	essentially the same thing that you have	24	Q. I understand that. But my
	Page 151		Page 153
1		1	
1 2	done here, which is review all the	1 2	question is simply from your knowledge,
3	literature on an exposure and a disease	3	here today, can you cite for me any
4	and offer opinions as to whether there's	4	scientific or medical group, entity or
	biologic plausibility between the	5	organization who has concluded that
5	exposure and the disease?	6	genital talc use causes ovarian cancer?
6	A. Most of the papers that I		MS. O'DELL: Object to the
7 8	publish will offer a potential, whether a	7	form.
9	speculative potential or one that is	8 9	THE WITNESS: Well,
10	defined within other published literature	10	concluded is is a word for
	as a potential mechanism of action or as	11	discussion.
11	potential plausible outcome.		IARC in the 1993 report from
12	So for any published paper	12	inhalation toxicology and
13	from the research that I've done or that	13	inhalation of talc did show that
14	people do, we explain an observation that	14	there was tumor induction in
15	has been found in our laboratory from	15	female rats in the lungs and that
16	testing, as you call it. And we will	16	there was adrenal gland tumors
17	explain the observation in terms of	17	that were formed.
18	biological plausibility, if that's what	18	BY MR. HEGARTY:
19	you're referring to.	19	Q. Well, IARC has never
20	Q. Well, have you ever used the	20	concluded that the use of talc in the
21	phrase "biologic plausibility" in any	21	genital area causes ovarian cancer,
22	published article?	22	correct?
23 24	A. I cannot cite them for you,	23	A. You asked me whether there
7.4	but I I am confident that I have used	24	was any body of literature or any

Page 154 Page 156		Dec - 154		Dear- 150
2	_			
3 relationship. And I've cited to you a 4 study				
4 A. To humans. 9 question was can you cite for me any scientific or medical group, entity or organization who has concluded that genital talc use causes ovarian cancer. 10 MS. O'D'ELL: O'bject to the form. 11 form. 12 THE WITNESS: I have I have given you information on a study done at the national toxicology program. 14 study done at the national toxicology program. 15 BY MR. HEGARTY: 17 Q. Is that the extent of your answer? 19 A. There are to my answer? 10 knowledge, that's the best study that I can cite to you. 21 Q. That's a study, correct? 22 A. That was a study, and they are also a body that makes conclusions. 15 Page 155 1 Q. That study did not involve commentary on that. 6 Q. Can you name any regulatory body who has stated that talc use is a cause of ovarian cancer? 9 A. Not as I sit here right now. 10 But again, making conclusions on a causation was not my question, is not my is not within my purview. 11 I can again, making conclusions on a causation was not my question, is not my is not within my purview. 12 I calcal and the accordance of the calcal and came up with a II-B toxicology program. 15 Use of the extent of your answer? 16 BY MR. HEGARTY: 17 Q. That's a study, correct? 28 A. The was a study, and they are also a body that makes conclusions. 18 Q. That study did not involve any commentary on ovarian cancer, and there is biologic plausibility of talc products in in ovarian cancer? 18 Can you cite for me any medical community that has accepted that there is biologic plausibility of talc products are about all the medical community that has accepted that there is biologic plausibility of talc products are about all the medical community that has accepted that there is biologic plausibility of talc products are about all the medical community that has accepted that there is biologic plausibility of talc products are about all the medical community that has accepted that there is biologic plausibility of talc products are about all the medical community that ha				
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22 form. 22 causing ovarian cancer?	21	MS. O'DELL: Object to the	21	
OD THE WITNESS TO THE TOTAL OF THE STATE OF	22		22	
23 THE WITNESS: 10 my 23 MS. O'DELL: Object to the	23	THE WITNESS: To my	23	MS. O'DELL: Object to the
24 knowledge, I think it's a II-B. 24 form.	24	knowledge, I think it's a II-B.	24	form.

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1	THE WITNESS: What I'm	1	Thank you.
2	saying is I have no knowledge of	2	BY MR. HEGARTY:
3	the documents they have put out	3	Q. You don't you don't know
4	with a conclusion as a white paper	4	what a cosmetic is?
5	or any other published literature	5	A. I'm asking you what your
6	that has made that conclusion.	6	definition is.
7	BY MR. HEGARTY:	7	Q. Well, I what is your
8	Q. What does sorry.	8	definition?
9	A. Or has not made that	9	A. A definition of a cosmetic
10	conclusion.	10	is since I'm not in the cosmetic
11	Q. What does general acceptance	11	field a cosmetic is something that is
12	mean to you?	12	used for hygiene or aesthetics and used
13	A. General acceptance for	13	dermally.
14	example, benzine, it causes leukemia and	14	Q. Have you ever written any
15	other blood cancers. That is a general	15	scientific article about a cosmetic under
16	acceptance by the medical community which	16	your definition?
17	we all adhere to, abide by, based upon	17	A. Not to my knowledge, but I
18	the excessive amount of literature that	18	would have to look at all of my papers
19	is out there showing proving and	19	again, if you'd like me to do that.
20	addressing Hill's criteria and coming up	20	Q. Can you cite for me any
21	with the fact that it is a it is a	21	publication of yours where you comment on
22	carcinogen for blood cancers.	22	asbestos?
23	That is general knowledge.	23	A. I would have to look at my
24	General knowledge is something saying	24	references. I go back from 1982.
	Page 159		Page 161
1	that nickel can be a carcinogen, nickel	1	Q. Sitting here today, can you
2			Q. Sitting here today, can you
	is a carcinogen and is classified by IARC	2	
3	is a carcinogen and is classified by IARC as a I. In that case, the general	2	cite for us, without looking at any
3 4	as a I. In that case, the general population is aware of that.		
	as a I. In that case, the general	3	cite for us, without looking at any references, any article you've ever
4	as a I. In that case, the general population is aware of that.	3 4	cite for us, without looking at any references, any article you've ever written about asbestos?
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4 5 6 7 8 9	as a I. In that case, the general population is aware of that. Q. Before being hired by the plaintiffs' lawyers in this case, you had never written anything about talc,	3 4 5 6 7 8 9	cite for us, without looking at any references, any article you've ever written about asbestos? MS. O'DELL: Doctor, if you need to look at your CV, you're welcome to do that.
4 5 6 7 8	as a I. In that case, the general population is aware of that. Q. Before being hired by the plaintiffs' lawyers in this case, you had never written anything about talc, correct?	3 4 5 6 7 8 9	cite for us, without looking at any references, any article you've ever written about asbestos? MS. O'DELL: Doctor, if you need to look at your CV, you're welcome to do that. BY MR. HEGARTY:
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	Page 162		Page 164
1	A. I would also like to look at	1	as scientists, involved as co-authors,
2	my CV.	2	oftentimes. And I do not recall back to
3	Q. Without looking at your CV,	3	1982.
4	you can't say one way or the other?	4	Q. Well, for purposes of your
5	A. I can't say conclusively.	5	report, you do not cite to any of your
6	My CV and my publications go back to	6	own work, correct?
7	1982. It was quite a while ago.	7	A. That is correct.
8	Q. And you can't say	8	Q. You've never written
9	conclusively whether you've written an	9	anything about talc and ovarian cancer,
10	article about asbestos?	10	correct?
11	A. I would rather look at my	11	A. I think I asked and answered
12	my publications.	12	that. I think I answered that. But I
13	Q. Okay. Have you ever	13	can repeat it.
14	written	14	Q. No, you did not. I did not
15	A. Would you like me to do	15	ask you that question, ma'am.
16	that, sir?	16	A. So can
17	Q. No. I'm not asking you to	17	Q. I asked you had you ever
18	do that right now.	18	written anything about talc. My question
19	A. Thank you.	19	that I just asked you is have you ever
20	Q. Sitting here today without	20	written anything about talc and ovarian
21	looking at your CV, can you cite for me	21	cancer?
22	any article you've ever written about	22	A. To my knowledge, as I sit
23	asbestos?	23	here now without looking at my
24	MS. O'DELL: Objection to	24	publications, no.
	Page 163		Page 165
1	form.		
_	TOTTI.	1	Q. Prior to being contacted by
2	THE WITNESS: To my	1 2	Q. Prior to being contacted by plaintiff's counsel have you ever
	THE WITNESS: To my knowledge at this particular		plaintiff's counsel have you ever reviewed the body of literature on the
2	THE WITNESS: To my	2	plaintiff's counsel have you ever
2 3	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote	2 3 4 5	plaintiff's counsel have you ever reviewed the body of literature on the
2 3 4 5 6	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was	2 3 4 5 6	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian
2 3 4 5 6 7	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot	2 3 4 5 6 7	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no.
2 3 4 5 6 7 8	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot recall.	2 3 4 5 6 7 8	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no. Q. You've never published any
2 3 4 5 6 7 8 9	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot recall. BY MR. HEGARTY:	2 3 4 5 6 7 8 9	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no. Q. You've never published any opinions about the causes of ovarian
2 3 4 5 6 7 8 9	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot recall. BY MR. HEGARTY: Q. Would that be the same	2 3 4 5 6 7 8 9	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no. Q. You've never published any opinions about the causes of ovarian cancer, correct?
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2 3 4 5 6 7 8 9 10 11	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot recall. BY MR. HEGARTY: Q. Would that be the same answer as to a fragrance? A. I I would really rather	2 3 4 5 6 7 8 9 10 11	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no. Q. You've never published any opinions about the causes of ovarian cancer, correct? A. To my knowledge, sitting here, no.
2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot recall. BY MR. HEGARTY: Q. Would that be the same answer as to a fragrance? A. I I would really rather look at my CV and my publications and	2 3 4 5 6 7 8 9 10 11 12 13	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no. Q. You've never published any opinions about the causes of ovarian cancer, correct? A. To my knowledge, sitting here, no. Q. You never published any
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot recall. BY MR. HEGARTY: Q. Would that be the same answer as to a fragrance? A. I I would really rather look at my CV and my publications and book chapters. Q. Before being contacted by counsel for plaintiffs in this case, you had never developed or offered any opinions about talc, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no. Q. You've never published any opinions about the causes of ovarian cancer, correct? A. To my knowledge, sitting here, no. Q. You never published any opinions about the risk factors for ovarian cancer, correct? A. I really I'm not sure. I know that I have given that information, not an opinion, but have given that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot recall. BY MR. HEGARTY: Q. Would that be the same answer as to a fragrance? A. I I would really rather look at my CV and my publications and book chapters. Q. Before being contacted by counsel for plaintiffs in this case, you had never developed or offered any opinions about talc, correct? A. That is correct. Q. You've never written	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no. Q. You've never published any opinions about the causes of ovarian cancer, correct? A. To my knowledge, sitting here, no. Q. You never published any opinions about the risk factors for ovarian cancer, correct? A. I really I'm not sure. I know that I have given that information, not an opinion, but have given that information in teaching courses. Q. Have you ever taught any
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: To my knowledge at this particular moment, I cannot cite for you an article that I specifically wrote on asbestos. Whether or not I was a co-author on one, I cannot recall. BY MR. HEGARTY: Q. Would that be the same answer as to a fragrance? A. I I would really rather look at my CV and my publications and book chapters. Q. Before being contacted by counsel for plaintiffs in this case, you had never developed or offered any opinions about talc, correct? A. That is correct. Q. You've never written anything about ovarian cancer, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	plaintiff's counsel have you ever reviewed the body of literature on the etiologies or biology related to ovarian cancer? A. Not prior to being contacted, no. Q. You've never published any opinions about the causes of ovarian cancer, correct? A. To my knowledge, sitting here, no. Q. You never published any opinions about the risk factors for ovarian cancer, correct? A. I really I'm not sure. I know that I have given that information, not an opinion, but have given that information in teaching courses. Q. Have you ever taught any courses on asbestos?

toxicology course for biology masters. I give courses in air pollutants and a cancer-causing agents and the toxicology of — of airborne. Q. Have you ever taught in your coorses any discussion about fragrances and toxicity? A. It may have come up as a minor point. We talk about pesticides, we talk about air pollutants. We talk about tertals. Fragrances, minor point. We talk about metals. Fragrances, minor point. We talk about metals. Fragrances, min that realm in the discussion of electronic eigarettes and the aerosols produced by them. Q. And you provided to us all the lectures or the content of lectures that you've given where you mentioned grants. The WITNESS: I was not asked to — why teaching style. My teaching style is such that I use few PowerPoints as queues. And much of my teaching is done verbally, one-on-one. And they're not recorded. My teaching style is such that I use few PowerPoints as queues. And much of my teaching is done verbally, one-on-one. And they're not recorded. My teaching style is such that I use few PowerPoints as queues. And much of my teaching is subject, correct? D. Wy the HEGARTY: D. With Hegard in With Heroductive medicine or reproductive sciences such as overall acprecimence regarding fragrances? A. There are toxicologists who reference that you provided to us earlier as about tale and ovarian cancer, you have not otherwise lectured regarding this subject, correct? A. There are toxicologists who reference that you provided to use arlier as about tale and ovarian cancer, you have not otherwise lectured regarding this subject, correct? A. There ar		Page 166		Page 168
2 give courses in air pollutants and 3 cancer-causing agents and the toxicology 4 of - of airborne. 5 Q. Have you ever taught in your 5 courses any discussion about fragrances 7 and toxicity? 8 A. It may have come up as a 8 minor point. We talk about pesticides, 10 we talk about air pollutants. We talk 11 about metals. Fragrances, we talked 12 about limonene, eugenol, menthol and 13 other fragrances in that realm in the 14 discussion of electronic cigarettes and 15 the acrosols produced by them. 16 Q. And you provided to us 11 THE WITNESS: I think it's 15 stated here as Exhibit A. 16 Why taching style is such 17 A. I was updated in 18 the lectures or the content of lectures 19 that you've given where you mentioned 19 tale, correct? 20 A. I was not asked to 21 MS. O'DELL: Object to the 22 form. 23 THE WITNESS: I was not 24 asked to provide them. But please 25 major focus is on tale and ovarian cancer, you have 16 not otherwise lectured regarding this 26 such sale. 27 A. There are scientists whose 28 major focus is on tale and ovarian cancer 29 A. There are scientists whose 20 ovarian cancer and uterine cancer, 21 correct? 22 A. There are scientists whose 23 major focus is on tale and ovarian cancer 24 ama of your focus, correct? 24 A. Not - not in past. Has not 25 A. Not - not in past. Has not 26 been a primary focus, 29 C. You have provided for us 29 your CV. correct? 20 A. It may have come up as a 3 your CV, correct? 3 THE WITNESS: I wish in the 4 discussion of electrons and 5 the acrosols produced by them. 5 Subre is really not the 5 subject of the 6 C. That is correct. 10 Let me explain my teaching style. 21 A. I did not. 22 Q. Did you bring an updated CV 23 A. It was updated in 24 updated as of January 2019. 25 Q. Did you bring an updated CV 26 A. It was updated in 27 A. I did not. 28 A. It may have correct? 29 A. There are toxicologists who 29 form. 29 C. A. It was updated in 20 A. It was updated in 21 A. I did not. 22 Q. A. It was updated in 23 A. It was updated in 24 and not to my knowledge as I sit h	1	toxicology course for biology masters. I	1	reproductive docs who do focus on this,
3 Cancer-causing agents and the toxicology of of airborne. 4 area of your focus, correct? 5 Q. Have you ever taught in your courses any discussion about fragrances and toxicity? 8 A. It may have come up as a minor point. We talk about pesticides, we talk about air pollutants. We talk about metals. Fragrances, we talked about metals. Fragrances with a form. Fragrances about metals. Fragrances with about metals. Fragrances about possible for us your CV, correct? 10 A. That is correct. 11	2		2	-
5	3		3	Q. And that has not been an
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10 we talk about metals. Fragrances, we talked about metals. Page 167 mit also provided to us all talk and varian cancer. So there is really not that much — there is nothing to supply to counsel. BY MR. HEGARTY: 10 Well, other than the reference that you provided to us earlier about talc and ovarian cancer, you have not otherwise lectured regarding this subject, cornect? 10 Q. There are toxicologists who focus on issues dealing with reproductive sciences such as ovarian cancer and uterine cancer, 20 ovarian cancer and uterine cancer, 21 correct? 21 A. There are scientists whose major focus is on talc and ovarian cancer. 22 major focus is on talc and ovarian cancer. 22 major focus is on talc and ovarian cancer. 23 major focus is on talc and ovarian cancer. 24 major focus on insues dealing with reproductive sciences such as major focus is on talc and ovarian cancer. 25 major focus is on talc and ovarian cancer. 26 mit of the with the page 1 form. 12 mit of the keyther and the page 1 form. 14 mount and the page 1 form. 15 mit of the within it is stated here as Exhibit At to your expert report. 16 kxhibits tho your state here as Exhibit A. BY MR. HEGARTY: 20 It have not completely updated as of Jan			l .	· ·
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12 about limonene, eugenol, menthol and other fragrances in that realm in the discussion of electronic cigarettes and discussion of electronic cigarettes and let discussion form. In the WITNESS: I think it's stated here as Exhibit A. BY MR. HEGARTY: Q. It's Exhibit A to your expert report. Is that a current CV of yours? A. It was updated in August 2018. So it is not completely updated as of January 2019. Q. Did you bring an updated CV to your deposition? Page 169 A. I did not. Q. As you stated — A. Im sorry. I can provide that. Q. Does your CV anywhere list any professional experience on ovarian cancer? A. Excuse me. Not to my knowledge as I sit here. Q. Does your CV list any professional experience regarding fragrances? A. Not to my knowledge as I sit here. Q. Does your CV list any professional experience regarding fragrances? A. Not to my knowledge, no, sir. But a current CV o			l .	
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16 Q. And you provided to us all 16 BY MR. HEGARTY: Q. It's Exhibit A to your expert report. Is that a current CV of yours? 19 yours? A. I was not asked to 20 A. It was updated in August 2018. So it is not completely updated as of January 2019. Q. Did you bring an updated CV to your deposition? Page 169			l .	
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23 major focus is on talc and ovarian cancer 23 have looked at or heard about from other	19 20	ovarian cancer and uterine cancer,	20	
	19 20 21	ovarian cancer and uterine cancer, correct?	20 21	my CV.
24 and there are OB/GYNs as well as 24 advisory boards things to do with	19 20 21 22	ovarian cancer and uterine cancer, correct? A. There are scientists whose	20 21 22	my CV. I have I have worked I

	Page 170		Page 172
1	flavorants, as I said with electronic	1	or scientist who believes that there is
2	cigarettes, hookah and smokeless tobacco.	2	biologic plausibility between use of
3	So I am familiar with other which may	3	talcum powder and ovarian cancer?
4	not be listed here in detail, which is	4	MS. O'DELL: Object to form.
5	not listed here in detail, on flavorants	5	THE WITNESS: I have not
6	and some of those same flavors used in	6	spoken to any doctors in that
7	electronic cigarettes are also, I found,	7	regard.
8	listed here.	8	BY MR. HEGARTY:
9	Q. Has any entity or agency	9	Q. How about any scientists?
10	consulted you with regard to diseases of	10	A. I have not spoke to any
11	the female reproductive tract?	11	scientists in that regard.
12	MS. O'DELL: Object to the	12	Q. Have you
13	form.	13	A. My opinion was specifically
14	THE WITNESS: Not to my	14	based upon the scientific literature that
15	knowledge.	15	I had access to.
16	BY MR. HEGARTY:	16	Q. Have you ever had your
17	Q. And no one has ever asked	17	deposition taken before?
18	you to look into any of the issues set	18	A. I have. Yes, sir.
19	out in your report besides plaintiffs'	19	Q. How many times?
20	counsel, correct?	20	A. One that I can recall. Two
21	A. I'm sorry. Again?	21	that I'm now recalling. One that was
22	Q. No one has asked you to look	22	in for Dow Chemical on breast implants
23	at the issues set out in your expert	23	and relationship with autoimmune disease
24	report in this case other than	24	and one from a personal attorney who
	Page 171		Page 173
1	plaintiffs' counsel, correct?	1	was who had a client who was exposed
2	A. This specific ovarian cancer	2	to wood burning from a wood stove, an
3	and asbestos, that is correct.	3	outdoor wood stove.
4	Q. You have not submitted your	4	Q. As to the latter case, do
5	expert report in this case for peer	5	you know where that case was pending or
6	review, correct?	6	was filed?
7	A. The only ones who have seen	7	A. I was deposed in New York
8	my report have been the plaintiff	8	City.
9	attorneys, to my knowledge.	9	Q. Do you know the name of the
10	If that was given out to	10	case?
11	others at that point, I do not I do	11	A. I'm afraid not, sir.
12	not have knowledge of that.	12	Q. How long ago was it?
13	Q. You certainly have not	13	A. 15 years.
14	submitted your report for peer review,	14	Q. You were testifying on
15	correct?	15	behalf of the plaintiff in that case?
16	A. I have not submitted my	16	MS. O'DELL: Object to form.
17	report for peer review.	17	THE WITNESS: I was not
18	Q. Have you spoken to any	18	testifying. I was deposed for
19	physicians who treat ovarian cancer	19	the sorry, for the person who
20	regarding talc and ovarian cancer?	20	was making the claim that they had
21	A. I have not.	21	increased asthma as a result of
22	Q. Other than experts	22	neighbors use of a wood boiler.
23	identified by plaintiffs in this	23	BY MR. HEGARTY:
24	litigation, can you identify any doctor	24	Q. In the Dow Chemical breast

	Page 174		Page 176
1	implant case, were you testifying as an	1	cases are there any articles on which
2	expert witness?	2	you rely for purposes of your opinions
3	A. I was.	3	strike that. Let me ask it a different
4	Q. On behalf of the plaintiffs?	4	way.
5	A. If you're talking about on	5	How many articles have you
6	the part of Dow, yes.	6	published since August of 2018?
7	Q. Well, on the part of Dow who	7	A. I'm going to look at the
8	was the defendant or the plaintiffs?	8	last publication.
9	A. Dow was the defendant. I'm	9	I have one that was accepted
10	sorry.	10	in press on the Garfield community and
11	Q. Were you testifying on	11	looking at chromium exposure and doing
12	behalf of Dow?	12	community engagement for the community
13	A. I was.	13	and looking at blood level of
14	Q. Any other cases you've been	14	measurements or toenail measurements,
15	deposed in?	15	excuse me, toenail measurement of
16	A. Not that I can recall.	16	chromium, as they're impacting
17	 Q. Have you been identified in 	17	communities environmentally.
18	any other cases as an expert witness	18	Also two publications have
19	besides this one to your knowledge?	19	come out with the lead author, my being a
20	A. I have done literature	20	corresponding author with the lead author
21	reviews for a number of attorneys but	21	being from the University of Rochester in
22	have not been deposed.	22	the area of inhaled particulate matter
23	Q. My question is specific to	23	and during pregnancy and effects on
24	whether you whether you are aware that	24	the on the offspring and on the fetus.
	Page 175		Page 177
1		1	
1 2	you've been designated, identified, in	1 2	Q. You are not a medical
2	you've been designated, identified, in the case as a testifying expert besides	2	Q. You are not a medical doctor, correct?
2	you've been designated, identified, in the case as a testifying expert besides this case. Are you aware of any such	2	Q. You are not a medical doctor, correct? A. I am not a medical doctor,
2 3 4	you've been designated, identified, in the case as a testifying expert besides this case. Are you aware of any such cases?	2 3 4	Q. You are not a medical doctor, correct? A. I am not a medical doctor, although I did go to medical school for
2 3 4 5	you've been designated, identified, in the case as a testifying expert besides this case. Are you aware of any such cases? A. Not to my knowledge.	2 3 4 5	Q. You are not a medical doctor, correct? A. I am not a medical doctor, although I did go to medical school for my Ph.D. training.
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2 3 4 5 6 7	you've been designated, identified, in the case as a testifying expert besides this case. Are you aware of any such cases? A. Not to my knowledge. Q. I know I referred earlier to your CV. But I'm marking it as	2 3 4 5 6 7	Q. You are not a medical doctor, correct? A. I am not a medical doctor, although I did go to medical school for my Ph.D. training. Q. You can't treat patients,
2 3 4 5 6 7 8	you've been designated, identified, in the case as a testifying expert besides this case. Are you aware of any such cases? A. Not to my knowledge. Q. I know I referred earlier to your CV. But I'm marking it as Exhibit 22. You can look at that one or Exhibit 22.	2 3 4 5 6 7 8	Q. You are not a medical doctor, correct? A. I am not a medical doctor, although I did go to medical school for my Ph.D. training. Q. You can't treat patients, correct? A. I do not treat patients.
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	Page 178		Page 180
1	A. I have no expertise in that,	1	those forms can exist both in
2	no.	2	crystalline form or in a
3	Q. You have no expertise in	3	non-asbestiform.
4	diagnosing ovarian cancer, correct?	4	So they are both both
5	A. I do not.	5	concluded to be asbestos.
6	Q. You are not an expert on	6	BY MR. HEGARTY:
7	asbestos, correct?	7	Q. Well, are there any
8	A. I have not been classified	8	differences between
9	as an expert in asbestos, although as I	9	A. By the EPA.
10	said, I do work in air pollution and if	10	Q. Are there any differences
11	asbestos is in the confines taken in	11	between amphibole and serpentine forms of
12	the confines of air pollution, I could	12	asbestos?
13	speak to that. But I have not been	13	MS. O'DELL: Object to form.
14	designated as an expert.	14	THE WITNESS: Well, they are
15	Q. What's the difference	15	different they are different
16	between amphibole and serpentine forms of	16	minerals. But they are both
17	asbestos?	17	classified as asbestos.
18	MS. O'DELL: Object to form.	18	BY MR. HEGARTY:
19	BY MR. HEGARTY:	19	Q. Any other differences?
20	Q. You can answer.	20	A. It both of which contain
21		21	
22	A. It depends on whether it's asbestiform or non-asbestiform.	22	carcinogenic classified I, as IARC.
23		23	Both have within them carcinogenic
24	Q. Okay. Asbestiform. What's	24	asbestos. To my knowledge, that is that is all I
24	the difference between amphibole and	24	
	Page 179		Page 181
1	serpentine forms?	1	Q. What was the most
2	A. Well	2	commercially used asbestos?
3	MS. O'DELL: Object to the	3	A. Well, it it depends on
4	form.	4	the time. But for commercial use, in
5	THE WITNESS: Amphibole	5	paints and housing and insulation, it was
6	lists serpentine which is	6	either chrysotile was used commercially
7	associated with chrysotile. They	7	and crocidolite was also used
8	all have an aspect ratio of,	8	commercially.
9	depending on who you are looking	9	Q. Okay. How did the supposed
10	at, whether it's three to one or	10	toxicities various vary across the
11	five to one. Johnson & Johnson	11	various forms of asbestos?
12	includes it as five to one, which	12	MS. O'DELL: Object to the
13	is length-to-width ratio. They	13	form.
14	both have the same length-to-width	14	THE WITNESS: When you say
15	ratio.	15	toxicity what do you mean?
16	If they're asbestiform, then	16	BY MR. HEGARTY:
17	they are fibers that are made up	17	Q. The the toxicities vary
18	of fibrils. They both have that.	18	across the various forms.
19	And they go in a	19	MS. O'DELL: Object to the
20	longitudinal manner and they are	20	form.
21	in one direction.	21	THE WITNESS: Mm-hmm. It
22	Amphibole includes within it	22	depends on the chemical
23	the crocidolite, and as well as	23	composition. It depends on the
	tremolite, amosite, and some of	24	surface material. It depends on

1	Page 182		Page 184
1	the amount of iron. It depends on	1	Q. You are not an expert in
2	the size of the fiber or the	2	fragrances, correct?
3	crystal.	3	MS. O'DELL: Object to form.
4	And so depending upon those	4	THE WITNESS: I have I
5	factors you are going to have	5	have not been listed as an expert
6	differences in toxicity.	6	in fragrances.
7	BY MR. HEGARTY:	7	BY MR. HEGARTY:
8	Q. Well, how does does	8	Q. Would you consider yourself
9	tremolite asbestos compare to chrysotile	9	an expert in fragrances?
10	asbestos in terms of toxicity?	10	A. I am a toxicologist so I can
11	A. I don't really I don't	11	review chemicals and make a decision or
12	think I can answer that in terms of	12	assess their toxicity based on outcomes.
13	ranking it. I can tell you that	13	Q. Before being contacted by
14	chrysotile is a well-known carcinogen,	14	Ms. Emmel in this case, would you have
15	well-established carcinogen by the	15	considered yourself an expert in
16	agencies. That tremolite is an amphibole	16	fragrances?
17	and it can exist in both forms, either	17	MS. O'DELL: Objection.
18	asbestiform in the long longitudinal	18	THE WITNESS: Expert in
19	fibriles, or it can exist as a mineral	19	fragrances. It is not something I
20	that has dimensions in all different	20	studied in my own laboratory.
21	directions.	21	However, a toxicologist
22	So tremolite it's	22	should be able to go into the
23	difficult to rank, but chrysotile appears	23	literature and have a greater
24	to be when you say more toxic, you	24	knowledge than most people in
	Page 183		Page 185
1	have to understand what is the outcome	1	looking up different chemicals.
2	that you're looking at. They can both	2	BY MR. HEGARTY:
3	cause toxicity. I don't know what you	3	Q. You are not an expert on
4	exactly mean by more toxic.	4	talc, correct?
5	Do you mean at a given	5	MS. O'DELL: Object to the
6	dose what what do you mean by	6	form.
7	Q. I didn't I didn't use the	7	THE WITNESS: I have done
8	word "more toxic." I just I asked you	8	
			much work in dust including the
	•		much work in dust, including the
9	how does tremolite asbestos compare to	9	World Trade Center dust. I've
9 10	how does tremolite asbestos compare to chrysotile asbestos in terms of toxicity.	9 10	World Trade Center dust. I've done work on diesel exhaust and
9 10 11	how does tremolite asbestos compare to chrysotile asbestos in terms of toxicity. A. I think I yeah, that's a	9 10 11	World Trade Center dust. I've done work on diesel exhaust and other things that are powders. So
9 10 11 12	how does tremolite asbestos compare to chrysotile asbestos in terms of toxicity. A. I think I yeah, that's a very difficult question to a	9 10 11 12	World Trade Center dust. I've done work on diesel exhaust and other things that are powders. So particularly tale, I don't think I
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9 10 11 12 13 14 15 16 17 18 19 20 21	how does tremolite asbestos compare to chrysotile asbestos in terms of toxicity. A. I think I yeah, that's a very difficult question to a toxicologist. Because when you compare toxicity across across lines, you have to somehow rank them based on a particular outcome. So toxicity could be does it produce more lactate dehydrogenase when put in a macrophages culture of of pulmonary cells, or does it produce more apoptosis. You can't just say toxicity	9 10 11 12 13 14 15 16 17 18 19 20 21	World Trade Center dust. I've done work on diesel exhaust and other things that are powders. So particularly talc, I don't think I am classified as a talc expert. But as I said I've done much work in other dusts, other aerosols, vapors, gases, particles, and I am an expert in particles. BY MR. HEGARTY: Q. You are not a geneticist, correct?
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	Page 186		Page 188
1	genetics. I have had courses in	1	components by percentage of Johnson's
2	molecular toxicology and I do teach some	2	Baby Powder?
3	molecular toxicology.	3	MS. O'DELL: Object to the
4	Q. You are not a mineralogist,	4	form. Vague.
5	correct?	5	THE WITNESS: I cannot
6	A. I am not a mineralogist.	6	although I have looked at it, I
7	Q. You are not an expert on	7	cannot tell you that off the top
8	testing for the presence of asbestos,	8	of my head. I would have to
9	correct?	9	look refresh my memory by
10	A. I am not a chemist.	10	looking at an exhibit or a
11	Q. You are not an expert on	11	document.
12	testing the air for asbestos, correct?	12	BY MR. HEGARTY:
13	A. We collect I collect	13	Q. What were the current
14	particles in the air. I do air	14	components of Johnson's Baby Powder by
15	measurements. That is the basis of my	15	percentage from the 19 1900s through
16	research.	16	the present?
17	When it comes to asbestos,	17	A. I cannot
18	we will send those those filters out	18	MS. O'DELL: Excuse me.
19	to be analyzed by an expert laboratory,	19	Excuse me. Object to the form.
20	and then we will help interpret the data.	20	Vague.
21	Q. You are not an industrial	21	THE WITNESS: I cannot give
22	hygienist, correct?	22	you percentages off the top of my
23	A. I work with industrial	23	head. If you allow me to look at
24	hygienists, but I do not have a degree in	24	a document I I could tell you.
	Page 187		Page 189
1	it.	1	BY MR. HEGARTY:
2	Q. You are not an expert on	2	Q. Are the opinions in your
3	Johnson's Baby Powder, correct?	3	report specific to particular
4	MS. O'DELL: Objection to	4	formulations of talcum powder consumer
5	form.	5	products?
6	THE WITNESS: I am not an	6	MS. O'DELL: Object to the
7	expert on I could you	7	form.
8	rephrase that?	8	THE WITNESS: Are the
9	BY MR. HEGARTY:	9	opinions in your report specific
10	Q. I don't think I can.	10	to particular formulations.
11 12	A. I don't know what you mean	11 12	My opinion is based on
13	by expert. I mean I need to have I think I need to have some criteria that	13	biological plausibility based on studies that have used talcum
14	would make me an expert. If you are	14	powder or tale or fibrous tale or
15	talking about the number of publications	15	nonfibrous tale.
16	I have or whether I've testified.	16	BY MR. HEGARTY:
17	I the word "expert"	17	Q. Did you analyze specifically
18	throws me off a bit.	18	the biologic plausibility of the
19	Q. Well, where is the talc for	19	components of Johnson's Baby Powder for
20	J&J's Baby Powder been mined over the	20	purposes of your opinions?
21	years?	21	MS. O'DELL: Object to the
22	A. In Vermont, in Italy, and	22	form.
23	also in Korea.	23	THE WITNESS: I looked at
24	Q. What are the current	24	the individual components that I

1 was aware of. And looked at their 2 ability to cause inflammation, 3 let's say, or their carcinogenic 4 potential. 5 BY MR. HEGARTY: 6 Q. But did you look 7 specifically did you specifically 8 analyze biologic plausibility specific to 9 J&J's strike that. 1 in the question that I was asked to 2 comment on, but from cursory knowled 3 there are different cell types. 4 Q. What's the difference 5 between a low grade and high grade tu 6 A. The induction of 7 invasiveness and proliferation capacity 8 Q. What is thought to be the 9 J&J's strike that. 9 primary origin of high-grade serous 10 ovarian cancer? 11 plausibility specific to Johnson's Baby 12 Powder in your report? 13 A. If the literature was there, 14 there was some I'm sorry, I can't 1 in the question that I was asked to 2 comment on, but from cursory knowled 2 comment on, but from cursory knowled 3 there are different cell types. 4 Q. What's the difference 5 between a low grade and high grade tu 6 A. The induction of 7 invasiveness and proliferation capacity 8 Q. What is thought to be the 9 primary origin of high-grade serous 10 ovarian cancer? 11 form. 12 THE WITNESS: Primary 13 origin. I'm not sure what that	
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4 Q. What's the difference 5 BY MR. HEGARTY: 6 Q. But did you look 7 specifically did you specifically 8 analyze biologic plausibility specific to 9 J&J's strike that. 10 Did you analyze biological 11 plausibility specific to Johnson's Baby 12 Powder in your report? 13 A. If the literature was there, 14 Q. What's the difference 5 between a low grade and high grade tu 6 A. The induction of 7 invasiveness and proliferation capacity 8 Q. What is thought to be the 9 primary origin of high-grade serous 10 ovarian cancer? 11 MS. O'DELL: Object to the 12 form. 13 THE WITNESS: Primary	nor?
5 BY MR. HEGARTY: 6 Q. But did you look 7 specifically did you specifically 8 analyze biologic plausibility specific to 9 J&J's strike that. 10 Did you analyze biological 11 plausibility specific to Johnson's Baby 12 Powder in your report? 13 A. If the literature was there, 15 between a low grade and high grade tu 6 A. The induction of 7 invasiveness and proliferation capacity 8 Q. What is thought to be the 9 primary origin of high-grade serous 10 ovarian cancer? 11 MS. O'DELL: Object to the 12 form. 13 THE WITNESS: Primary	nor?
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11plausibility specific to Johnson's Baby11MS. O'DELL: Object to the12Powder in your report?12form.13A. If the literature was there,13THE WITNESS: Primary	
12 Powder in your report? 12 form. 13 A. If the literature was there, 13 THE WITNESS: Primary	
13 A. If the literature was there, 13 THE WITNESS: Primary	
· · · · · · · · · · · · · · · · · · ·	
15 remember the author now. But there were 15 means.	
16 authors and investigators that did use 16 BY MR. HEGARTY:	
17 Johnson's Baby Powder in their studies, 17 Q. Well, what is what is	
18 and if they used those studies, and I 18 typically the primary location or origin	
19 used that for to provide biological 19 of high-grade serous?	
20 plausibility, then yes. 20 A. Do you mean in the ovary?	
Q. What studies were done 21 Q. I don't think I can ask it	
22 specific to Johnson's Baby Powder? 22 any different way.	
MS. O'DELL: Object to the 23 A. Well, I don't quite	
24 form. 24 understand your question.	
Page 191 Page	193
1 THE WITNESS: Of course all 1 Q. What is the primary origin	
2 of the product documents. 2 of clear cell carcinoma?	
3 Sorry, I'm having difficulty 3 MS. O'DELL: Object to the	
4 recalling that the particular 4 form.	
5 name. It's not a memory test. 5 THE WITNESS: If you're	
6 I'm sorry. 6 asking me the types, I don't	
7 BY MR. HEGARTY: 7 recall the type of cell for clear	
8 Q. With regard to ovarian 8 cell carcinoma. Again, I'm not an	
9 cancer, what are the subtypes of the 9 OB/GYN, and I'm not a histologis	
10 disease? 10 BY MR. HEGARTY:	
11 A. Well, as as 11 Q. For purposes of your report,	
MS. O'DELL: Object to the 12 did you analyze biologic plausibility for	r
13 form. 13 each subtype of ovarian cancer?	
14 THE WITNESS: was pointed 14 A. No, sir.	
out, I'm not an OB/GYN. I can 15 Q. Is it your opinion that the	
16 tell you just from cursory 16 etiology of each of the subtypes of	
knowledge that there are serous, 17 ovarian cancer is the same?	
18 high grade, low grade serous, 18 A. There are many	
19 endometrioid, mucous cell, 19 commonalities.	
20 epithelioid. 20 As I said, from my cursory	
21 BY MR. HEGARTY: 21 knowledge and my background, early	
Q. What are the differences in 22 background in 1980, of being a	
23 subtypes? 23 pathology when this was not even	
A. Again, this is not in my 24 considered or thought about, there is	

	Page 194		Page 196
1	etiologies I'm sorry, I had to refresh	1	Remove your microphones. The time
2	my memory of your question.	2	is 12:22 p.m. Off the record.
3	There are different	3	(Lunch break.)
4	etiologies. Many and many of the	4	THE VIDEOGRAPHER: We are
5	same, and so I think that if I may	5	back on the record. The time is
6	gather my thoughts and refresh your	6	1:17 p.m.
7	question.	7	BY MR. HEGARTY:
8	So as I said, in terms of my	8	Q. Doctor, we're back on the
9	opinion that the etiology in each of the	9	record. I want to go back to something
10	subtypes of ovarian cancer is the same,	10	we talked about at the beginning, that
11	there are many commonalities in	11	is, the initial call that you had from
12	etiology being the underlying reason.	12	Ms. Emmel.
13	There are many commonalities for the same	13	You mentioned that you
14	cancers, including things like cancer	14	reviewed materials between the time of
15	stem cells in ovarian cancer, which are	15	the call and the time that you agreed to
16	now being identified in the literature as	16	serve as an expert witness. Do you
17	a possibility for recurrence of ovarian	17	recall saying that?
18	cancer.	18	A. I do recall.
19	So, yes, there are definite	19	Q. What materials did you
20	commonalities in terms of the induction	20	review?
21	of ovarian types of cancer.	21	A. Just random, whatever I got
22	Q. Well, my question was, is it	22	from the that came out using keywords
23	your opinion that the etiologies of each	23	of talc, talcum powder, ovarian cancer.
24	subtype are the same?	24	Those were my initial keywords.
	Page 195		Page 197
1	MS. O'DELL: Objection to	1	Q. Do you recall, sitting here
2	form.	2	today, any particular articles, whether
3	THE WITNESS: I have	3	by author name or by name of that initial
4	MS. O'DELL: Asked and	4	search that you did before agreeing to
5	answered.	5	serve as an expert?
6	THE WITNESS: I have no	6	A. I looked at Ghio, G-I
7	opinion on that.	7	G-H-I-O. Did inhalation of talc and
8	BY MR. HEGARTY:	8	airway cells in in vitro study.
9	Q. Is it your opinion	9	I also looked at
10	MS. O'DELL: Excuse me.	10	Dr. De Boers and migration of carbon
			Dr. De Boers and impration of earbon
11	THE WITNESS: Other than	11	black material.
11 12	what I	12	black material. I also looked at Dr. Venter
11 12 13	what I MS. O'DELL: Sorry.	12 13	black material. I also looked at Dr. Venter and Iturralde, who talked about
11 12 13 14	what I MS. O'DELL: Sorry. THE WITNESS: I'm sorry.	12 13 14	black material. I also looked at Dr. Venter and Iturralde, who talked about administered radiolabeled microspheres.
11 12 13 14 15	what I MS. O'DELL: Sorry. THE WITNESS: I'm sorry. MS. O'DELL: You may finish.	12 13 14 15	black material. I also looked at Dr. Venter and Iturralde, who talked about administered radiolabeled microspheres. I read Dr. Weiner's
11 12 13 14 15 16	what I MS. O'DELL: Sorry. THE WITNESS: I'm sorry. MS. O'DELL: You may finish. I didn't mean to cut you off.	12 13 14 15 16	black material. I also looked at Dr. Venter and Iturralde, who talked about administered radiolabeled microspheres. I read Dr. Weiner's Weiner's Dr. Weiner's publication. I
11 12 13 14 15 16	what I MS. O'DELL: Sorry. THE WITNESS: I'm sorry. MS. O'DELL: You may finish. I didn't mean to cut you off. THE WITNESS: Other than	12 13 14 15 16 17	black material. I also looked at Dr. Venter and Iturralde, who talked about administered radiolabeled microspheres. I read Dr. Weiner's Weiner's Dr. Weiner's publication. I read Dr. Epstein's letter.
11 12 13 14 15 16 17	what I MS. O'DELL: Sorry. THE WITNESS: I'm sorry. MS. O'DELL: You may finish. I didn't mean to cut you off. THE WITNESS: Other than what I've just given.	12 13 14 15 16 17	black material. I also looked at Dr. Venter and Iturralde, who talked about administered radiolabeled microspheres. I read Dr. Weiner's Weiner's Dr. Weiner's publication. I read Dr. Epstein's letter. Q. Is that something that you
11 12 13 14 15 16 17 18	what I MS. O'DELL: Sorry. THE WITNESS: I'm sorry. MS. O'DELL: You may finish. I didn't mean to cut you off. THE WITNESS: Other than what I've just given. MS. O'DELL: So, Mark, we've	12 13 14 15 16 17 18	black material. I also looked at Dr. Venter and Iturralde, who talked about administered radiolabeled microspheres. I read Dr. Weiner's Weiner's Dr. Weiner's publication. I read Dr. Epstein's letter. Q. Is that something that you found on your own?
11 12 13 14 15 16 17 18 19 20	what I MS. O'DELL: Sorry. THE WITNESS: I'm sorry. MS. O'DELL: You may finish. I didn't mean to cut you off. THE WITNESS: Other than what I've just given. MS. O'DELL: So, Mark, we've been going about an hour and ten	12 13 14 15 16 17 18 19 20	black material. I also looked at Dr. Venter and Iturralde, who talked about administered radiolabeled microspheres. I read Dr. Weiner's Weiner's Dr. Weiner's publication. I read Dr. Epstein's letter. Q. Is that something that you found on your own? A. Excuse me. It wasn't
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Page 198 Q. Did you do a more expansive literature search and literature review after agreeing to serve as an expert witness? A. Of course. Q. Did you form any opinions, though, from that initial search that you performed? A. My opinion at that time was performed? A. My opinion at that time was loog interest in the topic, that there was certainly enough information and last enough evidence to provide that was provided by these publications that tale can be can be translocated, language health. Page 198 known about the product is consistent with a cause-and-effect relationship." A. I see where you're reading. Q. Where does that definition of biological plausibility come from? A. It is my professional opinion. Q. Is there still biological plausibility if what is known about a substance and a disease is consistent with no cause-and-effect relationship? MS. O'DELL: Object to the form. THE WITNESS: Biological plausibility, to me, as stated here and I will state it a last from the last from the last from the last from the last heads.
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provided by these publications that to certainly that particles of the size of talc can be can be translocated, migrated, and that at least from the lung, and so that there was biological plausibility for movement within the 14 MS. O'DELL: Object to the form. THE WITNESS: Biological plausibility, to me, as stated here and I will state it a different way, is that there is
certainly that particles of the size of talc can be can be translocated, 16 migrated, and that at least from the lung, and so that there was biological plausibility for movement within the 15 form. THE WITNESS: Biological plausibility, to me, as stated here and I will state it a different way, is that there is
talc can be can be translocated, migrated, and that at least from the lung, and so that there was biological plausibility for movement within the 16 THE WITNESS: Biological plausibility, to me, as stated here and I will state it a different way, is that there is
17 migrated, and that at least from the 18 lung, and so that there was biological 19 plausibility for movement within the 17 plausibility, to me, as stated 18 here and I will state it a 19 different way, is that there is
18 lung, and so that there was biological 18 here and I will state it a 19 plausibility for movement within the 19 different way, is that there is
19 plausibility for movement within the 19 different way, is that there is
00 hody
20 body. 20 actually literature and
21 And I found it convincing 21 information, reliable, sound
that I could that I could get involved 22 science that could that
23 in this case and that I believe that 23 provides evidence that there is a
24 there was, at that point with only 24 mechanism or mechanisms as well a
Page 199
1 superficial literature searching, that 1 underlying information that could
2 there was indeed room for an opinion. 2 prove the although it's not
3 And that opinion being that there 3 necessary in Hill's criteria, that
4 certainly was information provided that 4 could be used to prove a causal
5 could lead me to provide biological 5 relationship.
6 plausibility in that regard. Otherwise, 6 And in this case, that
7 I would not have taken the case. 7 talcum powder, in particular
8 What I would like to say is 8 Johnson & Johnson talcum powder,
9 that I would have done the same thing if 9 can lead to ovarian cancer.
10 you had called me, sir, to answer the 10 BY MR. HEGARTY:
question of what my beliefs are and where 11 Q. Well, do you agree that the
the science is. 12 finding of biologic plausibility by 13 O. If you look at Page 2 again 13 itself does not mean causation?
 14 of your expert report. 15 A. Yes, sir. 14 A. Biological plausibility is 15 used to supplement or to add on. It is
16 Q. That's Exhibit 2. Again, 16 actually one of Hill's criteria. One
17 under the section mandate 17 that he listed in his 1962 paper that is
18 A. Yes. 18 not absolutely necessary but does provide
19 Q and methodology. 19 compelling evidence. And I do believe
20 A. I see it. 20 that biological plausibility is extremely
21 Q. You say at the end of the 21 important, in my personal opinion, in
22 second paragraph that, "Biological 22 causal relationship. And Hill agrees to
23 plausibility does not mean proof of 23 that as well.
24 mechanism, but rather whether what is 24 Q. You agree, though, that the

	Page 202		Page 204
1	other Hill factors should be applied to	1	publication of yours, depositions or
2	determine causality, other than in	2	expert reports in a litigation?
3	addition to biological plausibility?	3	A. No. However, there are
4	A. Well, I really can't say.	4	papers and regulatory regulatory
5	Again, I know I know of Hill's work,	5	documents that are not considered
6	and I know of his groundbreaking	6	published, published. If you mean
7	publication. But again, I'm here to talk	7	peer-reviewed literature, that's one way
8	about plausibility, not causation.	8	of publishing. But another way of
9	Q. At the bottom of Page 2 you	9	publishing is also documents that are in
10	say as part of your analysis you	10	a report.
11	reviewed, "Depositions and numerous	11	And I have used reports in
12	documents, internal memorandum and	12	my own publications, if they if they
13	published and unpublished studies and	13	are accessible to me.
14	testing results that I have found in my	14	Q. Have you ever in a published
15	own searches of documents, documents	15	scientific article of yours cited to an
16	provided by attorneys, and documents that	16	expert report from a doctor in a
17	I requested." That's carrying over to	17	litigation?
18	Page 3.	18	A. I'm sorry. I have to look
19	Do you see that?	19	down at your question.
20	A. Toxicological studies. Are	20	Not that I recall. But
21	we talking about toxicological studies	21	that's not to say that I would not.
22	including in vivo and in vitro?	22	If it was appropriate for
23	Q. No. I'm looking at the very	23	the paper that I was writing, I would
24	last sentence of the paragraph at the	24	certainly use it.
	Page 203		Page 205
1	bottom of Page 2, carrying over to the	1	Q. Can you identify any
2	top of Page 3?	2	scientific group strike that.
3	A. In addition, I've reviewed	3	Before I ask you about
4	depositions and numerous documents	4	causation, now I want to ask you about
5	internal memorandum and published and	5	biological plausibility. Can you cite
6	unpublished studies and testing results	6	for me any scientific group, body, or
7	that I have found in my own searches.	7	even paper that has concluded that there
8	Q. Correct. In any scientific	8	is biological plausibility between
9	analysis that you have done, have you	9	perineal talc use and ovarian cancer?
10	ever included as part of that analysis	10	A. Mm-hmm-hmm. If you look at
11	documents provided by attorneys?	11	I don't know what exhibit it is. But
12	A. In my when I publish, I	12	it is the Health Canada report. And
13	look at all relevant information that I	13	Canadian U.S. EPA. And if you look at
14	have access to. It's about the science.	14	Taher's paper, systemic review and
15	Q. Not my question. My	15	meta-analysis, in both of those okay.
16	question is in any prior work that you	16	So the environmental Health Canada and
17	have done where you have published an	17	Canadian EPA, they put out this this
18	article, have you included in the review	18	document, which is an assessment, a
19	for purposes of publishing that article,	19	screening assessment document, to look at
20	documents provided by lawyers?	20	biological plausibility as well as the
21	A. No, sir, not to my	21	other epidemiological literature.
22	knowledge.	22	And they do speak to the
23	Q. Have you ever included as	23	causation and they do speak to biological
24	materials that you have reviewed for any	24	plausibility of talc and its association

	Page 206		Page 208
1	or tale and it's causation for ovarian	1	MS. O'DELL: It's Exhibit 9.
2	cancer. So they do in that document.	2	BY MR. HEGARTY:
3	The systematic review and	3	Q. If you would look do you
4	meta-analysis 2018 of Taher also speaks	4	have the Taher review?
5	of it and reviews the 30 I think it's	5	A. I do.
6	30 30 studies, of which there are 26	6	Q. What's that marked as?
7	case-controls and studies, and I think	7	A. That is Exhibit 10.
8	four cohort studies. And they do also	8	Q. Exhibit 10?
9	conclude that, by looking at the	9	A. Based on your yellow mark,
10	meta-analysis, that there are that	10	yes.
11	there is causation associated that	11	Q. If you look at the abstract
12	there is causation for talcum powder and	12	under the conclusion section, it
13	ovarian cancer.	13	concludes that perineal use of talcum
14	Q. Actually, Doctor, both	14	powder is a possible cause of human
15	documents to which you reference conclude	15	ovarian cancer.
16	only that perineal use of talcum powder	16	Do you see that?
17	is a possible cause of ovarian cancer,	17	A. Excuse me. I dropped my
18	correct?	18	microphone.
19	MS. O'DELL: Object to the	19	Okay. Please repeat your
20	form.	20	question. Your comment.
21	THE WITNESS: They state	21	Q. Second page under the
22	cause. And if you give me a	22	conclusion section. The conclusion of
23	moment, I can look for it, within	23	the Taher article is, "The perineal use
24	the document. So I'm looking at	24	of talc powder is a possible cause of
	Page 207		Page 209
1	the Health Canada document.	1	human ovarian cancer," correct?
2	3.6 ·		iluliali ovaliali calicci, collect.
	Meta page I'm sorry.	2	
3	Meta page I'm sorry. Roman Numeral III, "Meta-analysis		MS. O'DELL: Objection to form.
	Meta page I'm sorry. Roman Numeral III, "Meta-analysis of the available human studies in	2	MS. O'DELL: Objection to
3	Roman Numeral III, "Meta-analysis of the available human studies in	2 3	MS. O'DELL: Objection to form.
3 4	Roman Numeral III, "Meta-analysis	2 3 4	MS. O'DELL: Objection to form. THE WITNESS: I see that
3 4 5	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and	2 3 4 5	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY:
3 4 5 6	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature	2 3 4 5 6	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence.
3 4 5 6 7	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive	2 3 4 5 6 7	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say
3 4 5 6 7 8	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal	2 3 4 5 6 7 8	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer,
3 4 5 6 7 8 9	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian	2 3 4 5 6 7 8 9 10	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct?
3 4 5 6 7 8 9	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data	2 3 4 5 6 7 8 9 10 11	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to
3 4 5 6 7 8 9 10	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect."	2 3 4 5 6 7 8 9 10	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form.
3 4 5 6 7 8 9 10 11	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY:	2 3 4 5 6 7 8 9 10 11 12 13	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review.
3 4 5 6 7 8 9 10 11 12 13	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review. BY MR. HEGARTY:
3 4 5 6 7 8 9 10 11 12 13 14 15 16	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their ultimate conclusion? A. This is part of their conclusion.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their ultimate conclusion? A. This is part of their conclusion. Q. Can I look at that document?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review. BY MR. HEGARTY:
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their ultimate conclusion? A. This is part of their conclusion. Q. Can I look at that document? A. Absolutely.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review. BY MR. HEGARTY: Q. Well, are you going to need to review the entirety of the paper? A. I may.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their ultimate conclusion? A. This is part of their conclusion. Q. Can I look at that document? A. Absolutely. MR. TISI: Is this marked as	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review. BY MR. HEGARTY: Q. Well, are you going to need to review the entirety of the paper? A. I may. Q. Okay. Well, I can't we
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their ultimate conclusion? A. This is part of their conclusion. Q. Can I look at that document? A. Absolutely. MR. TISI: Is this marked as an exhibit, Mark?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review. BY MR. HEGARTY: Q. Well, are you going to need to review the entirety of the paper? A. I may. Q. Okay. Well, I can't we don't have time for you to review the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their ultimate conclusion? A. This is part of their conclusion. Q. Can I look at that document? A. Absolutely. MR. TISI: Is this marked as an exhibit, Mark? MR. HEGARTY: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review. BY MR. HEGARTY: Q. Well, are you going to need to review the entirety of the paper? A. I may. Q. Okay. Well, I can't we don't have time for you to review the entirety of the paper so I'll withdraw
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their ultimate conclusion? A. This is part of their conclusion. Q. Can I look at that document? A. Absolutely. MR. TISI: Is this marked as an exhibit, Mark? MR. HEGARTY: Yes. MR. FINDEIS: Sorry, which	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review. BY MR. HEGARTY: Q. Well, are you going to need to review the entirety of the paper? A. I may. Q. Okay. Well, I can't we don't have time for you to review the entirety of the paper so I'll withdraw the question. If you need to review the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Roman Numeral III, "Meta-analysis of the available human studies in the peer-reviewed literature indicate a consistent and statistically significant positive association between perineal exposure to talc and ovarian cancer. Further available data are indicative of causal effect." BY MR. HEGARTY: Q. Okay. What is their ultimate conclusion? A. This is part of their conclusion. Q. Can I look at that document? A. Absolutely. MR. TISI: Is this marked as an exhibit, Mark? MR. HEGARTY: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MS. O'DELL: Objection to form. THE WITNESS: I see that conclusion sentence. BY MR. HEGARTY: Q. Nowhere in here do they say that talcum powder causes ovarian cancer, correct? MS. O'DELL: Objection to form. THE WITNESS: If you're looking for a specific sentence, allow me to review. BY MR. HEGARTY: Q. Well, are you going to need to review the entirety of the paper? A. I may. Q. Okay. Well, I can't we don't have time for you to review the entirety of the paper so I'll withdraw

	Page 210		Page 212
1	reviewing it anywhere where they say	1	letter, information. And I specifically
2	talcum powder causes ovarian cancer?	2	asked that same question.
3	A. I cannot	3	Q. Now, are you relying on the
4	MS. O'DELL: Excuse me. And	4	fact it's been peer reviewed for your
5	you're referring specifically to	5	opinions in this case?
6	Exhibit 10?	6	A. I'm relying on the science.
7	MR. HEGARTY: Correct.	7	Q. Well, are you relying on
8	MS. O'DELL: The Taher	8	whether on what plaintiffs' counsel
9	paper?	9	told you as far as whether it's been peer
10	THE WITNESS: I can't say it	10	reviewed?
11	without looking at the paper.	11	MS. O'DELL: Object to the
12	BY MR. HEGARTY:	12	form.
13	Q. Has the Taher paper been	13	THE WITNESS: That is what
14	peer reviewed?	14	I'm trying to look, whether there
15	A. The Taher paper has is a	15	is an acknowledgment and whether
16	document that, yes, has been peer	16	there is a statement within it
17	reviewed. To my knowledge.	17	which says it's peer reviewed.
18	Q. Okay. What publication peer	18	It it's stated that in
19	reviewed that document?	19	order for this in order for a
20	A. Excuse me?	20	document such as this, and again
21	Q. Who peer reviewed that	21	it depends on what you mean by
22	document?	22	peer review, whether it's a
23	A. I have I have no	23	community or whether it's the
24	knowledge of that.	24	government. The government has
	Page 211		Page 213
1	Q. How do you know it's been	1	looked at this, and they were
2	peer reviewed?	2	submitted by Health Canada, and as
3	A. The the plaintiff lawyers	3	of now it's been submitted for
4	have shown me a document, a cover letter,	4	peer review, but it was looked at
5	information, I specifically asked that	5	by the Health Canada and by EPA.
6	question of them.	6	BY MR. HEGARTY:
7	Q. And are you relying on what	7	Q. What document were you shown
8	they provided to you for purposes of	8	that shows it's been peer reviewed?
9	saying it's peer reviewed?	9	A. On the first page,
10	A. Please allow me to I'm	10	Exhibit 10, materials submitted to Health
11	going to take a look into the document	11	Canada, materials submitted to journal
12	again. There may be evidence that's in	12	for peer review.
13	the document which says it's peer	13	Q. So it's not been peer
14	reviewed.	14	reviewed?
15	Q. Doctor, what are you looking	15	A. To my knowledge, it has been
16	at for purposes of peer review? I asked	16	peer reviewed. And again I'm relying on
17	you	17	plaintiffs' attorney with that
18	A. I'm looking to see sorry,	18	information.
1 ^	please finish your question.	19	Q. Have you ever cited in a
19			The state of the s
20	Q. I asked you how do you know	20	scientific article of yours a publication
		20 21	scientific article of yours a publication that's not been peer reviewed?
20	Q. I asked you how do you know		
20 21	Q. I asked you how do you know it's been peer reviewed.	21	that's not been peer reviewed?

methodology? MS. O'DELL: Object to the form. THE WITNESS: It's something – if there is – based on my opinion of the study design, the information, the science, if the information, the science needs to be out there, then I have cited numerous times the I have cited numerous times then I have cited numerous times to back to the '60s which implicate inflammation as a biological plausibility between talcum powder use and ovarian cancer? Q. Do totor, listen to my question is very specific to talc and the biologic plausibility between talcum powder use and ovarian cancer? Can you cite for me, beside the Canadian documents you cited, any scientific body or organization that has concluded that there is biologic plausibility between talcum powder use and ovarian cancer? I there's a comment period that's going on right now? A. I understand that, yes. Q. Do you understand that then I have the view of comment period. I there's a comment period that's going on right now? A. I unde		Page 214		Page 216
MS. ODELL: Object to the form: THE WITNESS: It's something – if there is – based on my opinion of the study design, the information, the science, if it – if it needs to be stated, if y the science needs to be out there, then I have cited numerous times unpublished information. By MR. HEGARTY: Dy Dy ou understand that for purposes – that the – strike that. Do you understand that the Health Canada risk assessment is a – only a draft assessment at this point in time? Mational Academy of Science, whatever document you're using, there's always a peer review or comment period. There's a comment period that's going on right now? A. I understand that, yes. Q. Do you understand that, yes. Q. And that this is not a final statement? A. Final statement. In any document, any regulatory document that—those that are put out by the National Academy of Science, whatever document you're using, there's always a peer review or comment period. In my opinion, in my professional career, documents do not change that drastically based upon the comments that come in. Based upon National Academy of Science, and the mist reaches this point, there are no – by the time it reaches this point, there are no subsubative comments that allow for extensive changes. Do there's a comment period. In my opinion, in my professional career, document shallow for extensive changes. Do the document and that the canadian daratically based upon the comments that come in. Based upon Substantive comments that own of substance can be usually not – there are no – by the time it reaches this point, there are no usually not – there are no – by the time it reaches this point, there are no – by the time it reaches this point, there are no – by the time it reaches this point, there are no – by the time it reaches this point, there are no – by the time it reaches this point, there are no – by the time it reaches this point, there are no – by the time it reaches this point, there are no – by the time it reaches this point, there are no – by the time it reaches th	1	methodology?	1	or paper that has concluded that there is
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THE WITNESS: It's something – if there is – based on my opinion of the study design, the information, the science, if it – if it needs to be stated, if the science needs to be out there, then I have cited numerous times upublished information. BY MR. HEGARTY: Q. Do you understand that for purposes – that the – strike that. Do you understand that the Health Canada risk assessment is a – only a draft assessment at this point in time? A. It is going to be reviewed, yes. I understand that it – it is a draft assessment. I also understand that it at it is a gone through scrutiny by both Health Canada and Canadian EPA. There is data going back and scientific reviews and publications going back to the 60s which implicate in flormation as a biological mediator for cancer. Q. Doctor, listen to my question is very specific to tale and the biologic plausibility between talcum powder use and ovarian cancer. A. It is going to be reviewed, yes. I understand that it – it is a draft assessment. I also understand that it – it is a gone through scrutiny by both Health Canada and Canadian EPA. Do you understand that Page 215 there's a comment period that's going on right now? A. Final statement. In any document, any regulatory document that – those that are put out by the National Academy of Science, whatever document that change that drastically based upon the comments that come in. Based upon National Academy of Science, and the National Academy of Science, and the National Academy of Science, and the National Toxicology Program. There are usually not – there are no – by the time it reaches this point, there are no substantive comments that flow for extensive changes. Q. Other than the Canadian 22 documents you just cited, can you cite in the biologic plausibility. A. Biological plausibility. There is data going back and scientific reviews and publications going back to the 60s which implicate inflored scientific pour, broken at a biological mediator for cancer. 2. D. Doctor, listen to my cuestion is very specific	3	· ·	3	
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23 documents you just cited, can you cite 23 underpinning for cancer.				
		for me any other scientific group, body	24	BY MR. HEGARTY:

	Page 218		Page 220
1	Q. Okay. Cite for me any	1	biological mechanism that everyone
2	scientific group, body or organization	2	including the National Toxicology, the
3	who has said that.	3	IARC, the National Academy of Science,
4	A. That is throughout	4	EPA, all recognize.
5	literature. If you go back to 1960 and	5	Q. Cite for me any group.
6	talk about the Vertel and the role of	6	Again, you are not answering my question.
7	inflammation in cancer, and numerous	7	My answer
8	other publications since that, if you	8	A. Okay.
9	look at talc is used to induce	9	Q my question is other than
10	pleurodesis because of its inflammatory	10	the Canadian groups you've cited, cite
11	responsiveness.	11	for me any group by name who has reached
12	Q. Doctor, you still are not	12	the same opinion as you about biologic
13	answering my question. My question is	13	plausibility.
14	name a scientific body, organization or	14	MS. O'DELL: Objection to
15	group who has concluded, as you have	15	form. Other than those she just
16	done, or you say you do in your paper,	16	listed in her last answer?
17	that there is biologic plausibility	17	MR. HEGARTY: Well, she
18	between talc and ovarian cancer.	18	didn't list any. I think the
19	MS. O'DELL: Objection to	19	record shows that.
20	the form.	20	MS. O'DELL: Yes, she did.
21	THE WITNESS: I gave you	21	MR. HEGARTY: Which ones did
22	BY MR. HEGARTY:	22	she list?
23	Q. Cite for me the groups.	23	MS. O'DELL: NTP. IARC.
24	MS. O'DELL: Excuse me. Let	24	MR. HEGARTY: Okay. Are you
	Page 219		Page 221
1	me objection to form. Asked	1	going on the record to say NTP has
2	and answered. The doctor has	2	concluded that talcum powder use
3	answered your question. You may	3	is a biologic
4	not like the answer, but she's	4	plausibility/plausible cause of
5	answered it.	5	ovarian cancer?
6	BY MR. HEGARTY:	6	THE WITNESS: We're not
7	Q. Cite for me the groups by	7	MS. O'DELL: She was talking
8	name.	8	about inflammation and cancer, as
9	MS. O'DELL: Objection to	9	you well know.
10	form.	10	MR. HEGARTY: Right, which
11	THE WITNESS: Ask the	11	is why she's not answering my
12	question again?	12	question.
13	BY MR. HEGARTY:	13	MS. O'DELL: No, no. Your
14	Q. Cite for me any name of any	14	question was not in relation to
15	group that has reached the same opinion	15	specific talc and biologic
16	as you?	16	plausibility.
17	A. Besides the Health Canada?	17	So the doctor has answered
18	Q. Correct.	18	your question.
19	A. There are I you're	19	MR. HEGARTY: I think the
20	asking for something that is not I'm	20	record will reflect otherwise.
	1 11.	21	BY MR. HEGARTY:
21	answering the question by telling you		
21 22	that you have talc which is an	22	Q. Doctor, listen to my
21			

	Page 222		Page 224
1	not.	1	I've shown, whether it's in air pollution
2	BY MR. HEGARTY:	2	or whether it's in tobacco products or
3	Q. Listen to my question.	3	nicotine products or World Trade Center
4	Can you cite for me any	4	dust or metal inhalation or nanoparticle
5	group besides the Canadian group who has	5	inhalation. They all give biological
6	concluded that there is biologic	6	plausibility statements for the
7	plausibility, who has made a statement	7	observations that have been found in my
8	that there is biologic plausibility	8	laboratory.
9	between talcum powder use and ovarian	9	Q. Where have you ever
10	cancer?	10	published step-by-step methodology for
11	A. I'm telling as I said	11	how you go about determining whether
12	before, you're leaving out the word	12	there is biological plausibility between
13	"inflammation."	13	a substance and a disease?
14	Q. Doctor, you you need to	14	A. I use my professional
15	answer the question I ask.	15	judgment.
16	A. I I	16	Q. Have you ever published that
17	Q. Your counsel can come back	17	professional judgment?
18	and ask you that question. I under I	18	MS. O'DELL: Objection to
19	want to know the name of any organization	19	form.
20	by name who has concluded that there is	20	THE WITNESS: I don't think
21	biologic plausibility between perineal	21	that would be publishable
22	use of talc and ovarian cancer.	22	material.
23	A. Anyone	23	BY MR. HEGARTY:
24	MS. O'DELL: Other than the	24	Q. In the end, Doctor, your
	Page 223		Page 225
1		1	
1 2	ones she she's listed.	1 2	report is your subjective take on the
2	ones she she's listed. THE WITNESS: Anyone that	2	report is your subjective take on the studies, correct?
2 3	ones she she's listed. THE WITNESS: Anyone that you say any I'll do it	2	report is your subjective take on the
2 3 4	ones she she's listed. THE WITNESS: Anyone that you say any I'll do it again. National Toxicology	2 3 4	report is your subjective take on the studies, correct? MS. O'DELL: Objection to
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2 3 4 5	ones she she's listed. THE WITNESS: Anyone that you say any I'll do it again. National Toxicology Program. IARC. Institute of Medicine.	2 3 4 5	report is your subjective take on the studies, correct? MS. O'DELL: Objection to form. BY MR. HEGARTY: Q. I mean, you don't speak for
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2 3 4 5 6 7	ones she she's listed. THE WITNESS: Anyone that you say any I'll do it again. National Toxicology Program. IARC. Institute of Medicine.	2 3 4 5 6 7	report is your subjective take on the studies, correct? MS. O'DELL: Objection to form. BY MR. HEGARTY: Q. I mean, you don't speak for any scientific group, do you? A. I'm an expert toxicologist,
2 3 4 5 6 7 8	ones she she's listed. THE WITNESS: Anyone that you say any I'll do it again. National Toxicology Program. IARC. Institute of Medicine. They may not say the sentence you are you are implying or you're stating. But	2 3 4 5 6 7 8	report is your subjective take on the studies, correct? MS. O'DELL: Objection to form. BY MR. HEGARTY: Q. I mean, you don't speak for any scientific group, do you? A. I'm an expert toxicologist, recognized clearly by the Society of
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1	MR. HEGARTY: I'll withdraw	1	form.
2	the question.	2	You can answer.
3	BY MR. HEGARTY:	3	THE WITNESS: This is my
4	Q. Doctor, do you speak for the	4	opinion based upon my systematic
5	Society of Toxicology for purposes of	5	review of all the scientific
6	your opinions in your report?	6	literature. And they by the
7	A. No.	7	nature of hiring me, they have
8	Q. Do you speak for any	8	approved of my my opinions.
9	society, any toxicology society	9	Maybe not specifically in this
10	society for purposes of your opinions?	10	case, but they would not have
11	A. You didn't let me finish my	11	hired me or kept me for 35 years
12	answer.	12	if they did not agree that I was a
13	I do not speak for the	13	well-known established
14	society of toxicology. But I am a	14	toxicologist whose opinions are
15	recognized toxicology expert, recognized	15	based in my professional judgment.
16	by the Society of Toxicology as an	16	BY MR. HEGARTY:
17	expert. And I have written this report	17	Q. Did you tell the university,
18	based upon literature, scientific	18	New York University, of your opinions in
19	evidence, and my professional judgment.	19	this case?
20	Q. What society has recognized	20	A. I did not.
21	you as an expert in talc and ovarian	21	Q. Have you told them that
22	cancer?	22	you're an expert witness for plaintiffs
23	A. I'm recognized as expert in	23	in this litigation?
24	toxicology.	24	A. I have, yes.
	Page 227		Page 229
1		_	
1	Q. What society has		O Harra reas managed in reason
		1	Q. Have you reported, in your
2	A. Society of Toxicology.	2	financial disclosure, the money that
3	A. Society of Toxicology.Q. Has the Society of	2	financial disclosure, the money that you've made in this litigation?
3 4	A. Society of Toxicology.Q. Has the Society ofToxicology recognized you as an expert in	2 3 4	financial disclosure, the money that you've made in this litigation? A. Up until we are asked
3 4 5	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer?	2 3 4 5	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out
3 4 5 6	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer? MS. O'DELL: Objection to	2 3 4 5 6	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out reports on transparency and conflicts of
3 4 5 6 7	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer? MS. O'DELL: Objection to form.	2 3 4 5 6 7	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out reports on transparency and conflicts of interest. And I think the last time I
3 4 5 6 7 8	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer? MS. O'DELL: Objection to form. THE WITNESS: I was	2 3 4 5 6 7 8	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out reports on transparency and conflicts of interest. And I think the last time I did it was in November of 2018. And I
3 4 5 6 7 8 9	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer? MS. O'DELL: Objection to form. THE WITNESS: I was recognized as an expert in tox and	2 3 4 5 6 7 8 9	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out reports on transparency and conflicts of interest. And I think the last time I did it was in November of 2018. And I reported up to that time, yes. We are
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer? MS. O'DELL: Objection to form. THE WITNESS: I was recognized as an expert in tox and ovarian cancer and talc by the very basis that I'm sitting here. BY MR. HEGARTY: Q. You don't speak for your university, do you? A. No one no one speaks directly for the university. But what we say, we understand our paychecks come from the university, and we follow within the university and the medical school	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out reports on transparency and conflicts of interest. And I think the last time I did it was in November of 2018. And I reported up to that time, yes. We are required to do that and, yes, I am completely transparent. So any money that I've made since November, or since the filing of the confidentiality agreement has not been reported but will be coming in March or April. Q. You don't speak for any journal for the purpose of your report, do you?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer? MS. O'DELL: Objection to form. THE WITNESS: I was recognized as an expert in tox and ovarian cancer and talc by the very basis that I'm sitting here. BY MR. HEGARTY: Q. You don't speak for your university, do you? A. No one no one speaks directly for the university. But what we say, we understand our paychecks come from the university, and we follow within the university and the medical school guidelines.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out reports on transparency and conflicts of interest. And I think the last time I did it was in November of 2018. And I reported up to that time, yes. We are required to do that and, yes, I am completely transparent. So any money that I've made since November, or since the filing of the confidentiality agreement has not been reported but will be coming in March or April. Q. You don't speak for any journal for the purpose of your report, do you? A. For purposes of this report
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer? MS. O'DELL: Objection to form. THE WITNESS: I was recognized as an expert in tox and ovarian cancer and talc by the very basis that I'm sitting here. BY MR. HEGARTY: Q. You don't speak for your university, do you? A. No one no one speaks directly for the university. But what we say, we understand our paychecks come from the university, and we follow within the university and the medical school guidelines. Q. Are your opinions in this case the opinions of New York University?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out reports on transparency and conflicts of interest. And I think the last time I did it was in November of 2018. And I reported up to that time, yes. We are required to do that and, yes, I am completely transparent. So any money that I've made since November, or since the filing of the confidentiality agreement has not been reported but will be coming in March or April. Q. You don't speak for any journal for the purpose of your report, do you? A. For purposes of this report I do not speak for journals. But I do speak for journals because I'm an editor,
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Society of Toxicology. Q. Has the Society of Toxicology recognized you as an expert in talc and ovarian cancer? MS. O'DELL: Objection to form. THE WITNESS: I was recognized as an expert in tox and ovarian cancer and talc by the very basis that I'm sitting here. BY MR. HEGARTY: Q. You don't speak for your university, do you? A. No one no one speaks directly for the university. But what we say, we understand our paychecks come from the university, and we follow within the university and the medical school guidelines. Q. Are your opinions in this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	financial disclosure, the money that you've made in this litigation? A. Up until we are asked that question we have to fill out reports on transparency and conflicts of interest. And I think the last time I did it was in November of 2018. And I reported up to that time, yes. We are required to do that and, yes, I am completely transparent. So any money that I've made since November, or since the filing of the confidentiality agreement has not been reported but will be coming in March or April. Q. You don't speak for any journal for the purpose of your report, do you? A. For purposes of this report I do not speak for journals. But I do

	Page 230		Page 232
1	environmental health and toxicology	1	several, there are case-control
2	journals.	2	studies as well as cohort studies
3	Q. At the top of Page 3 of your	3	which showed negative
4	report, you say in the first full	4	associations.
5	paragraph that you considered the studies	5	BY MR. HEGARTY:
6	that did not find an increased risk of	6	Q. You did not cite any of
7	ovarian cancer with talc use.	7	those in your report, though, did you?
8	Do you see that?	8	A. No. What I said I'm
9	MS. O'DELL: What page are	9	sorry. Let me try and make it clear.
10	you on? I'm sorry.	10	Yes, those meta-analyses
11	BY MR. HEGARTY:	11	were included in the report or I need
12	Q. Page 3.	12	to find the names. Systematic review
13	A. I'm sorry. I know we're on	13	that I cited was
14	Page 3.	14	P-E-N-N-I-N-K-I-L-A-M-P-I 2018. And that
15	Q. The first full paragraph.	15	was a meta-analysis which reviewed the
16	A. My opinions below?	16	epidemiological case-control and cohort
17	Q. The first full paragraph.	17	studies which showed that there were
18	A. My opinions below. "My	18	studies that had negative associations.
19	opinions below"	19	Q. Is that the only reference
20	Q. At the very at the very	20	that you included in your report, to
21	end, you say you considered those studies	21	studies that did not find an increased
22	that did not find an increased risk.	22	risk of ovarian cancer with talc use?
23	Do you see that?	23	MS. O'DELL: Object to the
24	A. I'm reading it.	24	form.
	Page 231		Page 233
1	Yes, okay. You were reading	1	THE WITNESS: No. No.
2	in the middle of the sentence. "To my	2	MS. O'DELL: Excuse me.
3	knowledge, I considered and evaluated the	3	Object to the form.
4	majority of all available relevant	4	THE WITNESS: No. Under the
5	studies in the process of evaluating the	5	animal models on Page 13, there
6	literature, including those that reported	6	were with rats that were
7	an elevated risk of ovarian cancer with	7	exposed by the peritoneum
8	exposure to talc and those where other	8	perineum, sorry, to either talc or
9	chemicals were reported within talc-based	9	no treatment. And while they did
10	body powders, including those that did	10	find inflammatory response
11	not find an increased risk." Yes.	11	again, going back to my biological
12	Q. You did not cite a single	12	plausibility they did not find
13	paper in your report that did not find an	13	neoplasms.
14	increased risk of ovarian cancer with	14	BY MR. HEGARTY:
15	talc use, did you?	15	Q. So that would be an example
16	MS. O'DELL: Objection to	16	of a study that did not show an increased
17	form.	17	risk of ovarian cancer with talc use,
18	THE WITNESS: There were	18	correct?
19	in reading over the meta-analysis	19	A. That is
20	of I'm sorry, I'm probably	20	MS. O'DELL: Object to the
21	going to get his name wrong	21	form.
22	Penninkilampi. In reading over the	22 23	Go ahead. BY MR. HEGARTY:
, , ,	in resamo over the	1.7.5	DI WK HEUAKIY
23 24	meta-analysis of several from	24	Q. Is that correct?

	Page 234		
1		1	
2	A. Sorry. Repeat the question. Repeat the question, please.	2	showing that talc was not toxic to cells? A. I read comparison studies.
3	Q. Sure. So that is an example	3	Let me please find that, the exact names.
4	of a study that, in your opinion, does	4	Q. Let me withdraw the
5	not show an increased risk of ovarian	5	question. Doctor, in your opinion is
6	cancer with talc use?	6	talc mutagenic?
7	MS. O'DELL: Objection to	7	A. How do you define
8	form. Go ahead. Sorry.	8	"mutagenic"?
9	THE WITNESS: Sorry.	9	Q. Doctor, what's your
10	This is a study which shows	10	mutagenic is mutation to genes. Does
11	biological plausibility by showing	11	talc mutate genes?
12	that there is a foreign body	12	A. Talc leads to changes in
13	reaction and inflammatory	13	gene expression which can be inferred as
14	response. However, it does not	14	a mutation. However, when you talk about
15	show that there was any change in	15	mutation, you have many different
16	neoplasm or any induction of	16	mechanisms of mutation. Mutation can
17	neoplasms or cancer.	17	occur as a result of a genotoxic or
18	BY MR. HEGARTY:	18	direct impact on DNA, or it can occur as
19	Q. Did you read any cell study	19	a result of changes in the epigenome,
20	that showed that talc is not cytotoxic?	20	which leads to changes in expression of
21	A. Can you please explain what	21	the gene.
22	you mean by cytotoxic? I want to answer	22	Q. Does talc directly mutate
23	the question as you understand it.	23	genes?
24	Q. What is your definition of	24	A. Talc has been shown to
	Page 235		Page 237
1	cytotoxicity?	1	cause to cause changes in particular
2	A. I'd like to answer the	2	enzymes in the gene expression. So a
3	question that you're asking me.	3	mutation yes, it has been it has
4	Q. I'm asking you your	4	been shown for mutation. But I just
5	definition. The way a deposition works	5	need I need the attorneys to
6	is I ask you questions. You don't ask me	6	understand that there are many ways to
7	questions.	7	mutate a cell, not only can you do it by
8	MS. O'DELL: Don't be be	8	chemical agent, but you can also it
9	courteous to the witness, please.	9	occurs with aging.
10	MR. HEGARTY: I am.	10	So you do not need I'm
11	THE WITNESS: I appreciate	11	sorry. You do not need genotoxicity to
12	that. I just want to, as a	12	produce mutagenesis.
13	toxicologist, the word	13	Now, if you look at many
14	"cytotoxicity" carries many	14	different assays such as the Ames assay
15	meanings.	15	which uses bacteria to assess
16	BY MR. HEGARTY:	16	mutagenicity, you are not going to see
17	Q. What is your definition	17	that as a possibility for talc because
18	basic definition of cytotoxicity?	18	the bacteria cannot engulf the particle
19	A. There are many meanings.	19	and the particle needs to be ingested in
20	Cytotoxicity taken literally meaning	20	order to show mutagenesis.
21	toxicity to a cell. Cyto, cell;	21	Q. Doctor, on Page 4 above your
22	toxicity, toxic. However, toxicity can	22	section "fibrous talc"
	,		
23 24	be measured by numerous endpoints. Q. Did you read any studies	23 24	A. I see it.Q you refer to particle

	Page 238		Page 240
1	size for talc.	1	THE WITNESS: Establishing
2	A. That's correct.	2	my biological plausibility was
3	Q. Is knowing particle size	3	was travel is traveling through
4	part of your methodology for your	4	migration and the ability for a
5	opinions in your report?	5	for the powder to migrate or the
6	A. I'm sorry. I don't	6	constituents to migrate. And
7	understand what you mean by was it part	7	and also the ability to be
8	of my methodology.	8	inflammatory.
9	Q. Well, what is the threshold	9	BY MR. HEGARTY:
10	size of a talc particle to establish	10	Q. Well, what size what size
11	biologic plausibility?	11	of particle what size must the
12	MS. O'DELL: Object to form.	12	particle be to cause inflammation that
13	THE WITNESS: I don't think	13	leads to ovarian cancer?
14	you can answer that question.	14	A. Particles of any
15	In let me say this.	15	MS. O'DELL: Objection to
16	In doing my methodology and	16	form. You may go.
17	accumulating literature, I as I	17	THE WITNESS: Particles of
18	said, I binned or siloed	18	any size can cause inflammation.
19	individual things.	19	BY MR. HEGARTY:
20	And one of the silos and one	20	Q. What about talc particles,
21	of the categories that I that I	21	what size of talc particle must there be
22	wanted to read was size. Size	22	to cause inflammation?
23	makes a very big difference in	23	A. Talc particles of any size
24	particles, and for example, if the	24	can cause inflammation.
	Page 239		Page 241
1	particle is greater than	1	Q. And is there
2	10 microns it's going to be what	2	A. However, there are
3	we call inhalable as opposed to	3	differences, from reading the literature,
4	respirable. So where a particle	4	that indicates that the smaller the
5	can go in terms of, and now I'm	5	particle the greater the inflammation.
6	using the lung as an example,	6	And that's universally
7	where the particle can go will	7	known.
8	depend upon its size and how long	8	Q. Was part of your analysis,
9	it will remain in a tissue.	9	did you did that involve investigating
10	So in my bins, in my silos	10	biologic plausibility as it relates to
11	were certainly size was a	11	particle size?
12	parameter.	12	A. That was that was part of
13	BY MR. HEGARTY:	13	my reading and part of my my thought
14	Q. And what is the threshold	14	process, my gathering of information,
15	size of a talc particle to establish	15	yes.
16	biologic plausibility between talc and	16	Q. And is there a certain size
17	ovarian cancer?	17	of particle necessary to establish
18	MS. O'DELL: Objection to	18	biologic plausibility under your opinion?
19	the form.	19	MS. O'DELL: Objection.
20	BY MR. HEGARTY:	20	Asked and answered.
21		21	THE WITNESS: Well, I do
22	Q. What size must the particle be?	22	think I answered that question.
23	MS. O'DELL: Objection to	23	But again there's really
	_	24	apart it is not just particle
24	form.		

	Page 242		Page 244
1		1	
1	size which is important in	1	Q. Well, fibrous talc is only
2	producing an inflammation. It is	2	talc that grows in an in an
3	many parameters. And so there was	3	asbestiform habit, correct?
4	no one size or one cutoff that	4	A. Fibrous talc refers to the
5	induces inflammation or does not.	5	shape and the longitudinal direction of
6	It's chemical composition, it's	6	the fibers. That's what fibrous talc is,
7	shape of the particle, it's	7	and asbestiform refers to the same
8	bioavailability of the particle.	8	longitudinal pattern of the particular
9	BY MR. HEGARTY:	9	fibrils and to form a bundle or to
10	Q. Can you cite for me the	10	form a fiber.
11	the particle size for Johnson's Baby	11	Q. So you don't agree that
12	Powder over the last 120 years?	12	fibrous tale is only tale that grows in
13	MS. O'DELL: Objection to	13	an asbestiform habit?
14	form.	14	MS. O'DELL: Objection to
15	THE WITNESS: I'm not sure I	15	form.
16	can cite it over the last	16	THE WITNESS: Fibrous talc
17	120 years. But I can tell you	17	by its very nature is saying that
18	from the information in the	18	it grows in an asbestiform-like
19	documents that I that I	19	phenotype or asbestiform-like
20	reviewed, that particle size goes	20	morphology. That's the nature of
21	from above 50 microns,	21	asbestiform.
22	micrometers, microns, down to	22	Asbestiform is a form.
23	0.3 micron with an average size of	23	BY MR. HEGARTY:
24	10.5 to 11.5 depending on the	24	Q. You state in the middle
	Page 243		Page 245
1	document that you read. So an	1	paragraph, in that section, that talc in
2	average or median size.	2	its fibrous form has been classified by
3	BY MR. HEGARTY:	3	IARC as Group I, a known carcinogen.
4	Q. So did you did you do	4	That's not correct, is it?
5	analysis for biologic plausibility	5	MS. O'DELL: Objection to
6	purposes of every size of talc particle?	6	form.
7	MS. O'DELL: Objection.	7	THE WITNESS: I'm sorry,
8	Asked and answered.	8	could you say again?
9	THE WITNESS: Did I do	9	BY MR. HEGARTY:
10	analysis I no, as I said, I	10	Q. Well, you agree that only
11	gave you the size of the of the	11	talc containing asbestiform fibers has
12	talcum that was reviewed, that I	12	been classified as Group I by IARC,
13	reviewed within the documents.	13	correct?
14	BY MR. HEGARTY:	14	A. Are you referring to in 2010
15	Q. You, on on page strike	15	IARC expanded or I'm sorry, in its
16	that.	16	fibrous form, talc has been classified as
17	Under the section Fibrous	17	a Group I known carcinogen?
18	Talc, you say that is it your	18	Q. Correct.
19	testimony that strike that.	19	A. Asbestiform fibers have been
20	Is it your opinion that	20	listed by IARC as a carcinogen.
21	asbestiform talc is also called fibrous	21	Q. A talc containing
22	tale?	22	asbestiform fibers is the only form of
23	A. Talc and asbestos are are	23	talc that's been designated as a class
24	different minerals.	24	as a Category I carcinogen by IARC,
	different fillifferent.		as a subgory rearoning on by Ir ite,

	Page 246		Page 248
1	correct?	1	Can you cite for me any published medical
2	A. It's not the only one that's	2	literature finding asbestiform talc in
3	been associated with it, but for the	3	Johnson's Baby Powder?
4	purpose of my report that I put down,	4	A. Page 6 of my report speaks
	it's the asbestiform that has been	5	
5			of the Crowley report, and that the fiber
6	classified by the IARC.	6	content ranged from 8 percent to
7	Q. Well, it's talc containing	7	30 percent. And that Pooley and Rohl
8	asbestiform fibers, correct?	8	analyzed 27 talc powders and detected
9	MS. O'DELL: Objection to	9	tremolite fibers in three samples.
10	form.	10	Q. Is it your testimony that
11	THE WITNESS: It's it's	11	Crowley Crowley's article refers to
12	fibrous talc.	12	Johnson's Baby Powder?
13	BY MR. HEGARTY:	13	A. I would have to see the
14	Q. Is that that's your	14	article.
15	your it's your opinion that IARC's	15	Q. How about Pooley and Rohl,
16	designation in 2012 is of asbestiform	16	do they refer to Johnson's Baby Powder?
17	talc?	17	A. I would have to see the
18	A. Their designations is	18	article.
19	form is talc fibers, which are	19	Q. In the end, for purposes of
20	asbestiform in nature.	20	your opinion as to asbestos and talc,
21	Q. Do you cite to any published	21	you're relying on the report of Longo and
22	data in the medical literature that	22	Rigler, correct?
23	asbestiform talc has been found in	23	MS. O'DELL: Objection to
24	Johnson's Baby Powder?	24	form.
	Page 247		Page 249
1	A. I'm sorry.	1	THE WITNESS: No, I rely on
2	You cite do you cite to	2	the scientific literature, not on
3	any published data in the medical	3	any one paper. I used weight of
4	literature that asbestiform talc	4	evidence to come to my opinion.
5	The documents, the published	5	BY MR. HEGARTY:
6	documents within Johnson & Johnson and	6	Q. Did you include in your
7	the Longo report, Longo's 2017, as well	7	weighing of evidence the expert reports
8	as 2018 supplement from December, shows	8	of Longo and Rigler?
9	asbestiform fibers.	9	A. I read the Longo supplement
10	Q. My question though is can	10	
1	Q. My question though is can	1 10	2018 after I wrote the report.
11	you cite any data published in the	11	*
11 12			Q. For purposes for purposes
	you cite any data published in the medical literature that has found	11	Q. For purposes for purposes of the opinions again in this case, do
12	you cite any data published in the	11 12	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and
12 13	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder?	11 12 13	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports?
12 13 14	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in	11 12 13 14	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and
12 13 14 15	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in terms of the Longo report.	11 12 13 14 15	Q. For purposes — for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports? MS. O'DELL: Objection to
12 13 14 15 16	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in terms of the Longo report. Q. Is the Longo report	11 12 13 14 15 16	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports? MS. O'DELL: Objection to form. THE WITNESS: I'm not sure I
12 13 14 15 16 17 18	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in terms of the Longo report. Q. Is the Longo report published in the medical literature?	11 12 13 14 15 16	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports? MS. O'DELL: Objection to form. THE WITNESS: I'm not sure I understand your question. As I
12 13 14 15 16 17 18	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in terms of the Longo report. Q. Is the Longo report published in the medical literature? A. It's I'm not sure whether	11 12 13 14 15 16 17 18	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports? MS. O'DELL: Objection to form. THE WITNESS: I'm not sure I understand your question. As I said, I wrote the report on
12 13 14 15 16 17 18 19 20	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in terms of the Longo report. Q. Is the Longo report published in the medical literature? A. It's I'm not sure whether it's accessible in the medical medical	11 12 13 14 15 16 17 18 19 20	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports? MS. O'DELL: Objection to form. THE WITNESS: I'm not sure I understand your question. As I said, I wrote the report on November 16th. I read the Longo
12 13 14 15 16 17 18 19 20 21	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in terms of the Longo report. Q. Is the Longo report published in the medical literature? A. It's I'm not sure whether it's accessible in the medical medical literature at this point. But I'm sure	11 12 13 14 15 16 17 18 19 20 21	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports? MS. O'DELL: Objection to form. THE WITNESS: I'm not sure I understand your question. As I said, I wrote the report on November 16th. I read the Longo supplement report in about two
12 13 14 15 16 17 18 19 20 21 22	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in terms of the Longo report. Q. Is the Longo report published in the medical literature? A. It's I'm not sure whether it's accessible in the medical medical literature at this point. But I'm sure it could be gathered.	11 12 13 14 15 16 17 18 19 20 21 22	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports? MS. O'DELL: Objection to form. THE WITNESS: I'm not sure I understand your question. As I said, I wrote the report on November 16th. I read the Longo supplement report in about two weeks ago.
12 13 14 15 16 17 18 19 20 21	you cite any data published in the medical literature that has found asbestiform talc in Johnson's Baby Powder? A. I thought I just did in terms of the Longo report. Q. Is the Longo report published in the medical literature? A. It's I'm not sure whether it's accessible in the medical medical literature at this point. But I'm sure	11 12 13 14 15 16 17 18 19 20 21	Q. For purposes for purposes of the opinions again in this case, do you rely in any way on the Longo and Rigler reports? MS. O'DELL: Objection to form. THE WITNESS: I'm not sure I understand your question. As I said, I wrote the report on November 16th. I read the Longo supplement report in about two

	Page 250		Page 252
1	the the MDL report of Longo and	1	use, the polarized light
2	Rigler, correct?	2	microscopy and the TEM all seem to
3	A. What page is that please?	3	be the way he describes it. His
4	Q. At the end of Exhibit B.	4	methodologies were spot on in
5	A. I okay.	5	terms of what other people do.
6	Excuse me. I referred to	6	BY MR. HEGARTY:
7	Longo on page there is no page.	7	Q. Are you an expert in XRD?
8	Sorry.	8	A. As I stated, I worked with
9	The cosmetic talc in the	9	people who used the instrumentation. An
10	Lancet and cosmetic talc in and	10	expert, again, I'm not sure what you mean
11	ovarian cancer in the Lancet. Those are	11	by expert. Have I done XRD on my own,
12	very early papers which I which I	12	no. But in our department we have
13	reviewed. Those papers were considered.	13	numerous people who who use that
14	The latest papers from Longo were not	14	instrumentation.
15	considered in my report.	15	Q. Are you an expert in TEM?
16	Q. Are you talking about the	16	A. I have done TEM for my Ph.D.
17	latest	17	thesis.
18	A. 2017, 2018. They were not	18	Q. Have you do TEM have you
19	read until after the report was	19	ever done TEM to detect asbestos?
20	finalized.	20	A. I have not done TEM to
21	Q. Do you know Longo and	21	detect asbestos. But I looked at his
22	Rigler?	22	methodologies, his study design, and the
23	A. Not at all.	23	instruments that he used. And they are
24	THE VIDEOGRAPHER: Doctor,	24	state of the art.
	Page 251		Page 253
1	can you raise your microphone up?	1	Q. Have you ever performed the
2	THE WITNESS: Oh, sure.	2	test that he describes in his articles or
3	BY MR. HEGARTY:	3	reports?
4	Q. Did you do anything to		reports.
	Q. Did you do anything to	4	A. I have used polarized light
5	assess their expertise in this area?	4 5	•
5 6			A. I have used polarized light
	assess their expertise in this area?	5	A. I have used polarized light microscopy.
6	assess their expertise in this area? A. I I	5 6	A. I have used polarized light microscopy. Q. That's not my question. My
6 7 8 9	assess their expertise in this area? A. I I MS. O'DELL: Are you	5 6 7 8 9	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same
6 7 8	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and	5 6 7 8 9	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your
6 7 8 9 10 11	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler?	5 6 7 8 9 10	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and
6 7 8 9 10 11	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes.	5 6 7 8 9 10 11	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk
6 7 8 9 10 11	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the	5 6 7 8 9 10	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no.
6 7 8 9 10 11 12	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the the bio sketch, a brief, very	5 6 7 8 9 10 11	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk
6 7 8 9 10 11 12 13	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the the bio sketch, a brief, very brief bio sketch of Ray Longo.	5 6 7 8 9 10 11 12 13	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk about asbestos.
6 7 8 9 10 11 12 13 14 15 16	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the the bio sketch, a brief, very brief bio sketch of Ray Longo. And I looked up his credentials in	5 6 7 8 9 10 11 12 13 14 15	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk about asbestos. A. Page 5 of what? Q. Of your report. A. Thank you.
6 7 8 9 10 11 12 13 14 15 16 17	A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the the bio sketch, a brief, very brief bio sketch of Ray Longo. And I looked up his credentials in terms of how long he's been in	5 6 7 8 9 10 11 12 13 14 15 16 17	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk about asbestos. A. Page 5 of what? Q. Of your report. A. Thank you. Q. Is it your opinion that any
6 7 8 9 10 11 12 13 14 15 16 17 18	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the the bio sketch, a brief, very brief bio sketch of Ray Longo. And I looked up his credentials in terms of how long he's been in the in this company, how he	5 6 7 8 9 10 11 12 13 14 15 16 17	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk about asbestos. A. Page 5 of what? Q. Of your report. A. Thank you. Q. Is it your opinion that any amount of exposure to asbestos, even to a
6 7 8 9 10 11 12 13 14 15 16 17	assess their expertise in this area? A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the the bio sketch, a brief, very brief bio sketch of Ray Longo. And I looked up his credentials in terms of how long he's been in the in this company, how he started this company or at least	5 6 7 8 9 10 11 12 13 14 15 16 17	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk about asbestos. A. Page 5 of what? Q. Of your report. A. Thank you. Q. Is it your opinion that any amount of exposure to asbestos, even to a single fiber, can cause disease?
6 7 8 9 10 11 12 13 14 15 16 17 18	A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the the bio sketch, a brief, very brief bio sketch of Ray Longo. And I looked up his credentials in terms of how long he's been in the in this company, how he started this company or at least was president of this company for	5 6 7 8 9 10 11 12 13 14 15 16 17	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk about asbestos. A. Page 5 of what? Q. Of your report. A. Thank you. Q. Is it your opinion that any amount of exposure to asbestos, even to a
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I I MS. O'DELL: Are you referring to Dr. Longo and Dr. Rigler? MR. HEGARTY: Yes. THE WITNESS: I read the the bio sketch, a brief, very brief bio sketch of Ray Longo. And I looked up his credentials in terms of how long he's been in the in this company, how he started this company or at least was president of this company for a short period of time. From what I know of my own work in the laboratory and working	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I have used polarized light microscopy. Q. That's not my question. My question is have you performed the same tests in your lab or in any in your experience that he has performed and reported on in his reports? A. Personally, no. Q. Starting on Page 5, you talk about asbestos. A. Page 5 of what? Q. Of your report. A. Thank you. Q. Is it your opinion that any amount of exposure to asbestos, even to a single fiber, can cause disease? A. From the scientific literature it is it appears it

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1	least start a disease process.	1	THE WITNESS: I don't think
2	Q. Before being contacted by	2	that's I don't think that's
3	counsel for plaintiffs in this case, had	3	I don't personally think that's
4	you read any literature concerning	4	the question.
5	asbestos and ovarian cancer?	5	The question is, asbestos is
6	A. I have not read literature	6	well classified, well known as a
7	prior to that on asbestos and ovarian	7	Class 1 carcinogen by IARC. And
8	cancer. However, I am familiar with, as	8	one fiber has the potential to
9	I said, other particles, other dusts,	9	initiate the biological processes
10	other fibers that I have worked with in	10	or provides biological
11	the laboratory.	11	plausibility that there, in fact,
12	Q. Had you even heard of a link	12	by producing inflammation and
13	between asbestos and ovarian cancer	13	producing reactive oxygen
14	before being contacted by plaintiffs'	14	intermediates, one fiber can start
15	counsel?	15	the process for ovarian cancer.
16	A. Yes.	16	And again, let me just
17	Q. Where did you hear that	17	repeat that my mission, my
18	from?	18	question that was asked, was to
19	A. Discussed it with my	19	provide biological plausibility
20	colleagues. As I said, I've listened to	20	for talc, not to define causation
21	the media on discussing it. And my	21	as an epidemiologist.
22	colleagues are a very good source,	22	BY MR. HEGARTY:
23	although they do not do this work in	23	Q. So it's your opinion that a
24	their laboratory, we all try to keep up	24	single fiber of asbestos in talc can
	Page 255		Page 257
1	with the letest emerging scientific		
	with the fatest emerging scientific	1	establish biological plausibility between
2	with the latest emerging scientific debates.	1 2	establish biological plausibility between talc and ovarian cancer?
l l			
2	debates.	2	tale and ovarian cancer?
2	debates. Q. What is the minimum number	2 3	talc and ovarian cancer? A. My
2 3 4	debates. Q. What is the minimum number of asbestos fibers necessary to cause	2 3 4	talc and ovarian cancer? A. My MS. O'DELL: Object to the
2 3 4 5	debates. Q. What is the minimum number of asbestos fibers necessary to cause ovarian cancer?	2 3 4 5	talc and ovarian cancer? A. My MS. O'DELL: Object to the form.
2 3 4 5 6	debates. Q. What is the minimum number of asbestos fibers necessary to cause ovarian cancer? A. Can do you mean I said	2 3 4 5 6	talc and ovarian cancer? A. My MS. O'DELL: Object to the form. THE WITNESS: My opinion is
2 3 4 5 6 7	debates. Q. What is the minimum number of asbestos fibers necessary to cause ovarian cancer? A. Can do you mean I said that there is really no threshold. And	2 3 4 5 6 7	talc and ovarian cancer? A. My MS. O'DELL: Object to the form. THE WITNESS: My opinion is that a single fiber can induce
2 3 4 5 6 7 8	debates. Q. What is the minimum number of asbestos fibers necessary to cause ovarian cancer? A. Can do you mean I said that there is really no threshold. And it can be one fiber. It depends on the	2 3 4 5 6 7 8	talc and ovarian cancer? A. My MS. O'DELL: Object to the form. THE WITNESS: My opinion is that a single fiber can induce inflammation and reactive oxygen
2 3 4 5 6 7 8 9 10	debates. Q. What is the minimum number of asbestos fibers necessary to cause ovarian cancer? A. Can do you mean I said that there is really no threshold. And it can be one fiber. It depends on the individual and the susceptibilities and	2 3 4 5 6 7 8 9 10	talc and ovarian cancer? A. My MS. O'DELL: Object to the form. THE WITNESS: My opinion is that a single fiber can induce inflammation and reactive oxygen species and can change the cell
2 3 4 5 6 7 8 9 10 11	debates. Q. What is the minimum number of asbestos fibers necessary to cause ovarian cancer? A. Can do you mean I said that there is really no threshold. And it can be one fiber. It depends on the individual and the susceptibilities and the vulnerabilities of that particular individual. Q. So it's your opinion that	2 3 4 5 6 7 8 9 10 11	talc and ovarian cancer? A. My MS. O'DELL: Object to the form. THE WITNESS: My opinion is that a single fiber can induce inflammation and reactive oxygen species and can change the cell into a pro-oxidant cell that starts the process for ovarian cancer.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	debates. Q. What is the minimum number of asbestos fibers necessary to cause ovarian cancer? A. Can do you mean I said that there is really no threshold. And it can be one fiber. It depends on the individual and the susceptibilities and the vulnerabilities of that particular individual. Q. So it's your opinion that one fiber of asbestos can cause ovarian cancer? A. Under certain conditions, yes, it is my opinion. Q. Can you cite for me any authority for that opinion specific to one fiber? MS. O'DELL: Object to form. BY MR. HEGARTY: Q. And ovarian cancer.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. My MS. O'DELL: Object to the form. THE WITNESS: My opinion is that a single fiber can induce inflammation and reactive oxygen species and can change the cell into a pro-oxidant cell that starts the process for ovarian cancer. BY MR. HEGARTY: Q. Do you agree that there are background rates of asbestos in certain areas? A. Do you mean in the air? Q. In the air? A. In the air, it depends on that area. If that's an area where there's mining or there's a house being redone from the 1970s or 19 early '80s
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	debates. Q. What is the minimum number of asbestos fibers necessary to cause ovarian cancer? A. Can do you mean I said that there is really no threshold. And it can be one fiber. It depends on the individual and the susceptibilities and the vulnerabilities of that particular individual. Q. So it's your opinion that one fiber of asbestos can cause ovarian cancer? A. Under certain conditions, yes, it is my opinion. Q. Can you cite for me any authority for that opinion specific to one fiber? MS. O'DELL: Object to form. BY MR. HEGARTY:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. My MS. O'DELL: Object to the form. THE WITNESS: My opinion is that a single fiber can induce inflammation and reactive oxygen species and can change the cell into a pro-oxidant cell that starts the process for ovarian cancer. BY MR. HEGARTY: Q. Do you agree that there are background rates of asbestos in certain areas? A. Do you mean in the air? Q. In the air? A. In the air, it depends on that area. If that's an area where there's mining or there's a house being

	Page 258		Page 260
1	sitting in this room, unless there is	1	A. It depends. After the World
2	asbestos in the walls, which I doubt	2	Trade Center, there was.
3	because it was only built about ten years	3	Q. Are those background
4	ago.	4	levels do those background levels
5	Q. Do the background rates of	5	cause ovarian cancer?
6	asbestos in certain areas cause ovarian	6	MS. O'DELL: Objection to
7	cancer?	7	the form.
8	A. Asbestos has been shown to	8	THE WITNESS: The studies
9	cause ovarian cancer by inhalation, yes.	9	that have been done by my
10	Q. Is it your opinion that	10	colleagues in the aftermath of the
11	background rates of asbestos in the air	11	World Trade Center disaster where
12	can cause ovarian cancer?	12	asbestos was generated have not at
13	MS. O'DELL: Object to the	13	this time and New York City
14	form.	14	Public Health has not at this time
15	THE WITNESS: I don't	15	looked at ovarian cancer. Ovarian
16	again, background rates, it has	16	cancer occurs within 10 to 30, up
17	been shown that workers that are	17	to 40 years later. So since 9/11
18	in places where asbestos is made	18	was only 2001, there is there
19	have a higher incidence of lung	19	is not sufficient time to have
20	cancer as shown by Dr. Selikoff	20	developed ovarian cancer.
21	many, many years ago.	21	BY MR. HEGARTY:
22	BY MR. HEGARTY:	22	Q. Doctor, before 9/11 there
23	Q. Doctor, you know what a	23	were background levels of asbestos in
24	background rate of background level of	24	certain parts of New York City, correct?
	Page 259		Page 261
1	a particle in air is, right?	1	A. When there are houses that
2	A. Yes, sir, I do.	2	were built with it. There is asbestos
3	Q. Okay. And is it your	3	is not just should not be unless
4	opinion that background levels of	4	there's a source, asbestos should not
5	asbestos in the air can cause ovarian	5	it would not be coming from jet engines.
6	cancer?	6	It would not be coming from other
7	MS. O'DELL: Objection to	7	sources. If it's there, it came from a
8	form.	8	specific source. It's like we should not
9	THE WITNESS: As I said,	9	have lead in our body at all. But we do
10	sitting in this room, there should	10	because the lead came from the air where
11	not be any background level of	11	there was lead in the gasoline.
12	asbestos. So if you're talking	12	So there shouldn't be
13	about background level in a	13	background levels of asbestos just
14	particular institute or industry	14	hanging around unless there's an adequate
15	where they're developing it, those	15	source that produced it.
16	levels are quite high, and yes, I	16	Q. Does EPA allow background
17	do believe that those levels	17	levels of asbestos in water?
18	within a working environment can	18	A. I'm not familiar with that
19	indeed cause inflammation that can	19	information. That's in water. You asked
20	lead to causation.	20	me about air.
21	BY MR. HEGARTY:	21	Q. I asked you a different
22	Q. There are background levels	22	question. I can ask you a different
23	of asbestos in the air in New York City,	23	question, Doctor.
24	correct?	24	A. I understand the question,
	correct:		11. I unacistana ine question,

	Page 262		Page 264
1	yes.	1	not been done.
2	Q. Does EPA allow background	2	There are there is
3	levels of asbestos in water?	3	information on no observable
4	A. I have not reviewed that	4	adverse effect level that has been
5	literature.	5	established using a dose-response
6	Q. As a toxicologist, you agree	6	by the NTP, National Toxicology
7	that dose or level of exposure determines	7	Program.
8	the toxicity of substances, correct?	8	And two milligrams of talc
9	MS. O'DELL: Object to the	9	that they used produced minimal
10	form.	10	minimal affects in the rats and
11	THE WITNESS: I believe that	11	mice that they tested. So
12	dose as well as frequency,	12	somewhere below at least, from an
13	duration, time of exposure are	13	inhalation perspective, is
14	all as well as dose contribute	14	produces no effect.
15	to the toxicity of an agent.	15	However, they saw effects
16	BY MR. HEGARTY:	16	even at the lowest, two milligrams
17	Q. You agree that a substance	17	
18	can produce a harmful effect only if it	18	per. BY MR. HEGARTY:
19	reaches a susceptible biological system	19	Q. My question was specific to
20	1	20	- • •
21	within the body in high enough concentration, correct?	21	ovarian cancer. That study did not
22	·	22	did not identify any ovarian cancers in
23	MS. O'DELL: Objection to	23	the mice in the mice or rats, correct?
24	form.		A. That's not what they looked
24	THE WITNESS: It depends on	24	for.
	Page 263	_	Page 265
1	the let me read your question	1	Q. My question is specific to
2	over. It was a lengthy question.	2	ovarian cancer.
3	It depends on the on the	3	A. Let me read your question
4	toxicant that you're talking	4	over again. Could you repeat your
5	about. There is dose that you're	5	question. It's already gone past.
6	exposed to, or concentration that	6	Q. What is the target dose that
7	you're supposed to, and dose to	7	is necessary to start the biologic
8	the target tissue. And for every	8	process of talc and ovarian cancer?
9	different every different	9	A. Well, as I talked about, one
10	chemical, there is a different	10	fiber of asbestos could start the
11	target dose that could start a	11	biological process. It is not clear if
12	biological process.	12	there is a threshold dose or a
13	BY MR. HEGARTY:	13	concentration, or whether one and
14	Q. And what is the target dose	14	we're talking about the whole talcum
15	that is necessary to start the biologic	15	powder product. We're not talking about
16	process of talc and ovarian cancer?	16	any one product. You're talking about
17	MS. O'DELL: Object to the	17	the whole process and how much it will
18	form.	18	start the biological process.
19	THE WITNESS: Well, if	19	It's unknown, it's not in
20	you if you look at talc as a	20	the literature. But I will tell you that
21	whole, to give you a	21	even small doses that are used of the
22	concentration, a threshold	22	talcum of a talcum product, if you
23	concentration, I'm not sure that	23	take a woman who takes a handful, if you
		24	

1 plausibility between pure talc, the platy 2 talc, and ovarian cancer? 3 MS. O'DELL: Object to the 4 form. 5 THE WITNESS: I don't 6 think my opinion is that there 7 may not be anything such as platy 8 talc in a pure form. 9 BY MR. HEGARTY: 1 studies out of Mossman's laboratories, 2 they used asbestos, they used talc that 3 contained nonfibrous talc. 4 Q. Do you have an opinion on 5 whether there is talc without asbestos? 6 MS. O'DELL: Object to the 7 form. 8 THE WITNESS: In many of the 9 documents from Johnson & Johnson, 10 Q. Okay. It's your opinion 11 that pure talc does not exist? 11 as other forms, non-asbestiform,		Page 266		Page 268
depending upon the woman, the susceptibility, the vulnerability, can all start the process. We're talking about the process, in my opinion. What you're talking about and in the opinion that I report here, is that that can start an inflammatory process. Q. And what is the number of particles of talc necessary to start the biologic process? MS. O'DELL: Object to form. THE WITNESS: That is not in the scientific literature. BY MR. HEGARTY: TO Q. Over Pages 6 through 8 of your report you discuss asbestos. Is the presence of asbestos in talc necessary of ry your biologic plausibility opinions? A. I looked at the entire product. Q. Well, do you intend to testify that there is biologic Page 267 Page		powder puff, that amount could even,	1	THE WITNESS: Can can you
3 susceptibility, the vulnerability, can 4 all start the process. 5 We're talking about the 6 process, in my opinion. What you're 7 talking about and in the opinion that I 8 report here, is that that can start an 9 inflammatory process. 10 Q. And what is the number of 11 particles of talc necessary to start the 12 biologic process? 13 MS. O'DELL: Object to form. 14 THE WITNESS: That is not in 15 the scientific literature. 16 BY MR. HEGARTY: 17 Q. Over Pages 6 through 8 of 18 your report you discuss asbestos. Is the 19 presence of asbestos in talc necessary 20 for your biologic plausibility opinions? 21 A. I looked at the entire 22 product. 23 Q. Well, do you intend to 24 testify that there is biologic 24 testify that there is biologic 25 MS. O'DELL: Object to the 26 form. 27 talc does not exist? 28 When I say pure talc, I mean 29 talc without asbestos, without heavy 20 metals, without fragrance. 30 MS. O'DELL: Object to form. 31 lattice, metals. 31 So platy talc refers to the 32 structure or the morphology of the 33 talc, how it looks, what 34 dimensions it's in. 35 So, do I think there is 36 platy talc? Of course there is 37 platy talc? 38 prevented the entire 39 MS. O'DELL: Object to the 40 form. 41 provided the entire 42 plausibility between pure talc, the platy 43 talc, and ovarian cancer? 44 talc, and ovarian cancer? 45 talc, and ovarian cancer? 46 think – my opinion is that there 47 may not be anything such as platy 48 talc in a pure form. 49 BY MR. HEGARTY: 40 O. Do you have an opinion on 40 O. Okay, It's your opinion 41 that pure talc does not exist? 41 the without asbestos, without asbestos? 42 does not exist? 44 without asbestos, without fragrance. 45 Whs. O'DELL: Object to the 46 form. 47 talc does not exist? 40 when I say pure talc, Imean 41 talc without asbestos, without fragrance. 41	2		2	
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	Page 270		Page 272
1	Q. Did you do analysis of	1	sure how that would be done or I
2	biologic plausibility for talc without	2	don't think it could be done.
3	asbestos?	3	What I did was I did it for
4	MS. O'DELL: Objection to	4	the entire product.
5	form.	5	BY MR. HEGARTY:
6	THE WITNESS: My biological	6	Q. And what do you what do
7	assessment, my my biological	7	you think what is your opinion
8	plausibility was looking at the	8	strike that.
9	entire product of talcum powder.	9	What is in the entire
10	BY MR. HEGARTY:	10	product in your opinion?
11	Q. And how do you define the	11	A. Based upon the Johnson &
12	entire product?	12	Johnson documents. That's where my
13	A. The entire product is	13	that's where I will tell you what is in
14	whatever are the ingredients or listed	14	there.
15	within the documents or the test results	15	As as far as the product
16	from Imerys that that indicate what	16	documents, it indicates that there are
17	they measured, including the metals, the	17	metals, including not not totally
18	asbestos, the the asbestiform fibers,	18	inclusive of, but to mention a few of the
19	the fragrances.	19	more well-known ones, cobalt, chromium
20	Q. So you did your biologic	20	and nickel.
21	plausibility analysis with based on	21	There are also, according to
22	tale that has asbestos, heavy metals and	22	the Crowley report, there are also many
23	fragrance in it, correct?	23	chemicals that make up a fragrance. And
24	MS. O'DELL: Objection to	24	there and in many of the samples
	Page 271		Page 273
1	form.	1	tested, there was asbestos or asbestiform
2	THE WITNESS: I did my	2	fibers, some of which were called fibrous
3	biological plausibility on talcum	3	talc, others were called asbestiform and
4	powder products.	4	others in which they were called asbestos
5	I looked at individual	5	fibers, or amphiboles or anthophyllite.
6	products, individual constituents	6	Q. Did you review all the
7	in adding to my to my report,	7	test
8	to my document. But I looked at	8	A. Anthophyllite.
9	the entire product. And it is my	9	Q. I'm sorry.
10	opinion that the entire product	10	Did you review all the
11	causes inflammation and that	11	testing documents produced by Johnson &
12	inflammation then goes on as a	12	Johnson and Imerys in this case?
13	triggering mechanism to turn on	13	A. I reviewed the documents
14	certain genes and to bind iron	14	that are in the production document black
15	that can lead to the changes	15	binder to my right.
16	needed for cancer in the ovary.	16	Q. Those were provided to you
17	BY MR. HEGARTY:	17	by plaintiffs' counsel, correct?
18	Q. You did not do a separate	18	A. That is correct.
19	analysis of talc without asbestos or	19	Q. Did you ask them if they
20	without and without heavy metals and	20	provided to you all testing documents
21	without fragrance, correct?	21	that had been produced in this case with
22	MS. O'DELL: Object to the	22	regard by Johnson & Johnson and
23	form.	23	Imerys?
24	THE WITNESS: I'm not even	24	A. I did not ask that question

	Page 274		Page 276
1	specifically.	1	not present.
2	Q. Do you know whether there	2	Q. You relied on plaintiffs'
3	are additional documents of tests	3	counsel to select for you the testing
4	documents describing tests that were done	4	documents that you reviewed, correct?
5	by Johnson & Johnson and/or Imerys with	5	A. I I read and reviewed
6	regard to asbestos, heavy metals,	6	whatever they sent me.
7	fragrances and talc?	7	Q. And did you do anything to
8	MS. O'DELL: Object to form.	8	verify that you had all the documents
9	THE WITNESS: Plaintiff	9	regarding the testing of Johnson's Baby
10	counsels and myself did talk about	10	Powder?
11	that, some of that information,	11	A. I did nothing personally
12	and	12	other than ask the the attorneys if
13	MS. O'DELL: Doctor,	13	there was anything else I needed in
14	don't in terms of our	14	forming my opinion. In of production
15	conversations	15	documents, if we're just referring to
16	THE WITNESS: I'm sorry.	16	that.
17	MS. O'DELL: those	17	I have no access to
18	conversations are our work	18	production documents on my own or through
19	product.	19	the internet. And I know none of the
20	But to the degree that your	20	other deposees.
21	answer doesn't depend on our	21	Q. Did you do a comparison of
22	conversations, you may you may	22	biologic plausibility across various
23	answer.	23	brands of talcum powder products?
24	THE WITNESS: I I made it	24	A. I did not personally do any
	Page 275		Page 277
1		1	
1 2	clear that I would like to see	1	of that. However many of the documents
2	clear that I would like to see documents that could go into my	2	of that. However many of the documents and many of the studies including the
2 3	clear that I would like to see documents that could go into my assessment of biological	2 3	of that. However many of the documents and many of the studies including the Longo supplement did compare, for
2 3 4	clear that I would like to see documents that could go into my assessment of biological plausibility.	2 3 4	of that. However many of the documents and many of the studies including the Longo supplement did compare, for example, I think I misspoke when I said
2 3 4 5	clear that I would like to see documents that could go into my assessment of biological plausibility. BY MR. HEGARTY:	2 3 4 5	of that. However many of the documents and many of the studies including the Longo supplement did compare, for example, I think I misspoke when I said one of the places that Johnson & Johnson
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	Page 278		Page 280
,		1	
1	there is no asbestos in Johnson's Baby	1	ludicrous actually.
2	Powder, would that change your opinions	2	Q. None of the studies that you
3 4	as to biological plausibility?	3 4	cite in your heavy metals section link
	A. No, sir, it would not.	5	the exposures that you discussed to
5 6	Q. Same question with regard to	6	ovarian cancer risk, correct?
7	heavy metals. If there were no heavy	7	THE WITNESS: I'm sorry.
8	metals in Johnson's Baby Powder, would that change your opinions on biological	8	This is not coming up.
9	plausibility?	9	(Whereupon, a discussion was held off the stenographic record.)
10	A. I looked at the entire	10	THE WITNESS: They the
11	product and it would not it would not	11	studies that I list for the
12	change my opinion, as it exists	12	individual metals talk about the
13	currently, with biological plausibility	13	potential inflammatory and
14	that it would cause ovarian cancer	14	carcinogenic potential of those
15	through through inflammation, is my	15	particular metals. And based on
16	· · ·	16	*
17	opinion. Q. In looking at your heavy	17	the Crowley report, there are, and
18	Q. In looking at your heavy metals section, beginning at Page 8 of	18	other production documents from Johnson & Johnson, they list three
19	your report are you there?	19	particular metals that are
20		20	associated with Johnson & Johnson
21	A. I'm not. I had to put my glasses on. Thank you.	21	
22	Q. There are no studies that	22	products, cobalt, nickel and chromium.
23	have looked at the effects of these	23	BY MR. HEGARTY:
24	metals in powder dusted on the perineum,	24	Q. That was not my question.
21	*	24	· · · ·
_	Page 279	_	Page 281
1	correct?	1	My question is, none of the studies that
2	A. Your question is there are	2	you cite
3	no studies looking at these individual	3	A. On the
4	metals?	4	Q in your section on heavy
5	Q. Correct?	5	metals, evaluate ovarian carcinogenicity
6	A. Perineal studies in the	6	potentials of these metals, correct?
7	ovarian	7	MS. O'DELL: Object to the
8	Q. No, my question is, there	8	form.
9	are no studies that looked at the effects	9	THE WITNESS: I do not talk
10	of these metals in powder dusted on the	10	about ovarian cancer in particular
11	perineum, correct?	11	relation to these three metals
12	A. I'm not sure I understand	12	that I cited
13	your question.	13	BY MR. HEGARTY:
14	Q. You don't cite any studies	14	Q. No studies
15	that have looked at the effect of	15	A in the report.
16	applying these metals to the perineum,	16	Q that you cite refer to
17	correct?	17	risk of ovarian cancer with exposure to
18	A. To my knowledge, there are	18 19	these metals, correct?
19	no specific animal studies that show		A. With my charge being
20	nickel was applied to the perineal.	20	biological plausibility, I thought that
21 22	Q. There are no human studies	21 22	it was my opinion my professional
23	either, correct?	23	opinion is that it was more important to
24	A. To my knowledge, there are no human studies. That would be	24	discuss the potential for inflammatory responsiveness and carcinogenic
/. →	no numan studies. That would be	∠ ' ±	responsiveness and caremogenic

	Page 282		Page 284
1		1	them.
1 2	potential.	2	
3	Q. Doctor, you don't cite any studies that look at look at the	3	Q. Did you find any?
		4	A. Again, the purpose of writing this section on heavy metals had
4	ovarian carcinogenicity potential of any of these metals, correct?	5	
5		6	to do with bringing out the inflammatory
6	MS. O'DELL: Object to form.		and the biological plausibility that in
7	THE WITNESS: Not in my	7 8	my mind is linked to talc and ovarian
8	report. BY MR. HEGARTY:		cancer.
9		9	Q. Doctor, listen to my
10	Q. What are the exposure levels	10	question. Did you find any studies
11	of these metals necessary to have	11	reporting on a risk of ovarian cancer
12	biologic plausibility of ovarian cancer?	12	with exposure to any of those metals?
13	A. As far as biological	13	MS. O'DELL: Objection to
14	plausibility of these metals, these	14	form.
15	metals are unless there are particular	15	THE WITNESS: I found in
16	standards for a particular metal, nothing	16	cobalt, but it does not have to do
17	is really established for what it would	17	with ovarian cancer, but I did
18	take for nickel to cause ovarian cancer.	18	find that the absorption of cobalt
19	However, the ability of	19	is much higher in women than in
20	these metals to produce inflammation are	20	men. And that many of these
21	very, very low levels. And if they	21	studies show that you have
22	produce inflammation, then they have the	22	increased proliferation. And as I
23	potential to go on to produce cancer.	23	said, mine was my question that
24	And many of these metals do.	24	I needed to address was biological
	Page 283		Page 285
1	Q. Well, none of these studies	1	plausibility.
2	report a threshold level of exposure to	2	So I did find many of these
3	cobalt, chromium, or nickel to increase	3	factors, many of these metals, all
4	the risk of ovarian cancer, correct?	4	of these metals have the potential
5	MS. O'DELL: Object to the	5	to produce the changes that are in
6	form.	6	the carcinogenic process.
7	THE WITNESS: That was not	7	BY MR. HEGARTY:
8	the purpose of my writing.	8	Q. I'm going to ask the
9	My my writing was to	9	question one more time. And if we don't
10	exemplify the carcinogenic	10	get an answer I'm going to call Judge
11	potential and the inflammatory and	11	Pisano.
12	some of the human health effects	12	Cite for me, which study did
13	that are commonly seen. Ovarian	13	you find that linked exposure to these
14	cancer is not that common. And so	14	metals to ovarian cancer?
15	it's not unusual that other	15	MS. O'DELL: Objection to
16	that ovarian cancer was not looked	16	the form.
17	into in some of these studies.	17	Dr. Zelikoff has answered
18	BY MR. HEGARTY:	18	your question multiple times.
19	Q. Well, you found no studies	19	But you may answer it again.
20	looking at exposure to any of those	20	BY MR. HEGARTY:
21	metals and risk of ovarian cancer,	21	Q. Let me ask it differently.
22	correct?	22	Did you find any studies reporting on a
23	A. It's not that I didn't find	23	risk of ovarian cancer with exposure to
24	any. I wasn't particularly looking for	24	any of these metals, that being cobalt,
	mij. I musii i pui ii cuiui iy ioomiig ioi		any or mose means, that being coount,

	Page 286		Page 288
1	chromium, or nickel?	1	of these metals in terms of parts
2	A. I was not looking	2	per million, whatever talc reached
3	specifically for that. So, no, I did not	3	there, there's there is a
4	find that.	4	strong potential that that amount
5	Q. Which of the studies that	5	of the concentration of the metal
6	you report show that the exposure levels	6	would also reach the target organ.
7	evaluated in those studies are in any way	7	BY MR. HEGARTY:
8	related to human exposure levels through	8	Q. That's not my question,
9	Johnson's Baby Powder?	9	Doctor.
10	MS. O'DELL: Object to the	10	How much nickel, cobalt and
11	form.	11	chromium reached the ovary with a single
12		12	application of Johnson's Baby Powder to
13	THE WITNESS: Are you	13	
14	talking about inhalation or	14	the perineum? A. I don't have that
15	perineal application? BY MR. HEGARTY:	15	information is not available.
16		16	
17	~	17	They did show in studies, in
18	A. So many of the inhalation	18	a few studies, I think it was the
19	numbers are concentrations, and looking at the Johnson & Johnson documents in	19	Hamilton study that or Henderson
20	terms of what is in the head and in the	20	study that there talc indeed does
		21	reach the ovary from perineal application
21	face area after diapering as well as	22	or from intravaginal application. And
22	during powdering, indicates that the		whatever is whatever the concentration
23	concentrations that are possibly inhaled	23	is that reached the ovary, carried with
24	contain particles that can initiate a	24	it these one one or more or all of
	Page 287		Page 289
1	response.	1	these three metals.
2	Also, from looking at the	2	Q. You agree
3	Johnson & Johnson documents, many of	3	A. So it was a similar
4	those results indicate and I think we	4	concentration.
5	have an exhibit here of the table of the	5	Q. You agree that all of the
6	concentrations that were found.	6	metals you talk about are in are all
7	Well, it's not at my local	7	around us, they are in food, correct?
8	fingertips here. But	8	A. The metals nickel, chromium,
9	MS. O'DELL: Are you looking	9	cobalt can be in food, yes.
10	for Exhibit C, Doctor, I think	10	Q. They are in the air,
11	it's right there with on	11	correct?
12	your on your paper clip.	12	A. They are in certain ambient
13	MR. HEGARTY: Let me	13	environments.
14	withdraw the question.	14	Q. These are metals that are
15	BY MR. HEGARTY:	15	considered ubiquitous, correct?
16	Q. Doctor, how much nickel,	16	MS. O'DELL: Objection to
17	cobalt and chromium reach the ovary with	17	the form.
18	one application of Johnson's Baby Powder	18	THE WITNESS: They are
	**	19	chromium not as much I'm sorry,
19	to the perineum?		
19 20	to the perineum? MS. O'DELL: Object to the		
20	MS. O'DELL: Object to the	20	cobalt not as much. But chromium
20 21	MS. O'DELL: Object to the form.	20 21	cobalt not as much. But chromium and nickel, they are in the air,
20 21 22	MS. O'DELL: Object to the form. THE WITNESS: Since much of	20 21 22	cobalt not as much. But chromium and nickel, they are in the air, and depending upon the environment
20 21	MS. O'DELL: Object to the form.	20 21	cobalt not as much. But chromium and nickel, they are in the air,

	Page 290		Page 292
1	of nickel in the air. But if you	1	Q. Did you do an analysis
2	go to New York City, concentrate	2	yourself of Johnson's Baby Powder for the
3	as we've measured in my laboratory	3	presence of these heavy metals?
4	prior to this deposition, or prior	4	A. I did not do any
5	to this case, my involvement in	5	instrumentation studies measuring the
6	this case, you will see very small	6	amount. I I relied on the documents.
7	concentrations of nickel. There	7	Q. But you are capable of doing
8	should not be a lot in the air.	8	that analysis, correct?
9	And we also measured	9	A. We are capable, in my
10	chromium, and it should not be	10	laboratory, along with colleagues, of
11	unless you have a polluted	11	measuring by XRF, x-ray fluorescence, and
12	environment there should not be a	12	by ICP mass spec, measuring the amounts
13	lot of these metals in the air.	13	of metals in tissues, correct.
14	BY MR. HEGARTY:	14	Q. But you did not do that
15	Q. Is the metal are not the	15	testing here, correct?
16	metals that are in the air, nickel and	16	A. My job was to define
17	chromium, sufficient to have biologic	17	biological plausibility based upon
18	plausibility between those metals and	18	literature, relevant literature and
19	ovarian cancer?	19	documents, internal documents.
20	A. Those those metals, yes,	20	Q. Nowhere in your report do
21	the metals in the air can cause an	21	you identify the exposure levels of any
22	inflammatory response. The	22	of these metals that are necessary to
23	concentrations of the metals in the air	23	cause ovarian cancer, correct?
24	can cause an inflammatory response and	24	MS. O'DELL: Objection to
		21	Page 293
	Page 291		
1	can start processes and change gene	1	form. Asked and answered.
2	expression within cells.	2	THE WITNESS: There is no
3	Q. Cite for me any study that	3	literature that says you need one
4	shows that inflammatory response has ever	4	particle or ten particles.
5	occurred in the ovary.	5	The inflammatory response
6	MS. O'DELL: Objection to	6	that nickel causes is extremely
7	form.	7	well established, even at very low
8	THE WITNESS: There are	8	concentrations. And and the
9	granulomas that have been found in	9	same is true for hexavalent
10	animal studies of in the lung.	10	chromium and for chromium,
11	You are talking about in the	11	trivalent chromium.
12	ovary, I understand that.	12	BY MR. HEGARTY:
13	BY MR. HEGARTY:	13	Q. Are there any studies that
14	Q. I'm talking about the	14	report on exposure of these metals to the
15	studies that have not looked at talc, but	15	ovaries?
16	have looked at cobalt, chromium	16	A. Are you talking about alone?
17	A. Okay.	17	Q. Individually or together,
18	Q nickel and cobalt without	18	but the metals themselves.
19	regard to talc, cite for me any studies	19	A. Just the metals
20	that have shown that those metals have	20	MS. O'DELL: Object
21	caused inflammation in the ovary?	21	objection to form.
22	A. By themselves, there are no	22	THE WITNESS: These metals
23	studies that demonstrate that, that I'm	23	by themselves have been tested
24	aware of.	24	extensively in cells and in in

	Page 294		Page 296
1	animals to produce inflammation,	1	form.
2	to change the epigenome of the	2	THE WITNESS: The exposures
3	cells, to change gene expression.	3	are similar, or can be similar.
4	And there was no there was no	4	But as I stated before, for
5	reason to believe whether or not	5	these metals as well as for
6	there are specific studies	6	asbestiform fibers, all it takes
7	associated with the ovary. There	7	is a small amount, if not just one
8	are no reason to believe that it	8	fiber, to cause the response and
9	would not do the same effects in	9	to start the process of
10	cells as well as in the ovary, in	10	inflammation, gene expression,
11	the lung, and the kidney and the	11	upregulation of genes that are
12	liver.	12	associated with biological
13	BY MR. HEGARTY:	13	mediators, proinflammatory
14	Q. Doctor, you are not aware of	14	cytokines.
15	any studies that have looked at the	15	BY MR. HEGARTY:
16	effects of these metals on human ovarian	16	Q. Yet you cite no study that
17	cells, correct?	17	reports that response in human ovarian
18	MS. O'DELL: Object to the	18	cells, correct?
19	form.	19	MS. O'DELL: Object to the
20		20	form.
21	THE WITNESS: Again, I'm not	21	
22	an epidemiologist, so and I'm	22	THE WITNESS: I if you're
23	not a clinical toxicologist. So I	23	still talking about individual
24	will have to stand by the the		metals, no.
	data that I do know in in	24	But if you're talking about
	Page 295		Page 297
1	extensive have extensive	1	in vitro studies like those of
2	knowledge of. And that's human ex	2	Saed who looked for oxidative
3	vivo and in vitro studies. And I	3	stress and and prooxidant
4	am not aware.	4	changes, and if you are talking
5	That is not to say that they	5	about Shukla study who also looked
6	are not out there. And I	6	at ovarian cells, human ovarian
7	especially do not know about the	7	cells, and looked at changes in
8	humans, because I focus as a	8	gene expression associated with
9	toxicologist. I'm an animal	9	oxidant production and reactive
10	toxicologist.	10	oxygen species production, then
11	BY MR. HEGARTY:	11	yes, in cell culture using human
12	Q. Did you do any comparison	12	ovarian epithelial cells, because
13	between the doses of of the metals	13	that's what we are talking about
14	reported in the studies that you cited to	14	here.
15	those in women using talc?	15	BY MR. HEGARTY:
16	A. I did no calculations on	16	Q. None of those studies
17	on my own.	17	applied nickel to human ovarian cells,
18	Q. Did you do any calculations	18	did they?
19	that tested these metals in animals to	19	A. No, they did not.
20	determine what the that that they	20	Q. None of those studies
21	relate in any way to the dose that a	21	applied cobalt to human ovarian cells,
22	human would experience through Johnson's	22	correct?
23	Baby Powder use?	23	A. No, they did not.
24	MS. O'DELL: Objection to	24	Q. None of those studies

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1	applied chromium to ovarian human	1	target site, let's say in the case
2	ovarian cells, correct?	2	of inhalation or in the case of
3	A. Correct. But what we're	3	direct application to the perineal
4	talk what I'm talking about and the	4	area, you will have the process of
5	basis of my opinion is the product in its	5	impacting with those cells and
6	entirety, not breaking it down to	6	generating cell mediated reactions
7	individual constituents.	7	and immunological reactions and
8	Q. Is it necessary for purposes	8	inflammatory responses.
9	of your biologic plausibility opinion	9	And those inflammatory
10	that talc reach the ovary?	10	responses and those reactive
11	A. Not necessarily.	11	oxygen species, except for
12	Talc does talc and any	12	hydrogen peroxide which can't
13	other particle does not have to reach the	13	travel a far distance, can get
14	site of deposition. They can, and and	14	into can and do get into the
15	do, I believe that they not only migrate	15	blood circulation and then can
16	to an area and they can get to an area	16	reach distant organs.
17	and then cause inflammation which then	17	BY MR. HEGARTY:
18	can be the cytokines where there's	18	Q. Cite for me any published
19	tumor necrosis factor, interleukin-1, or	19	authority that says that inflammation in
20	any of the other proinflammatory	20	the lungs will cause inflammation in the
21	cytokines can then get to the air, the	21	ovaries.
22	site of this this target organ.	22	MS. O'DELL: Object to the
23	So you do not have to have,	23	form. Misstates her testimony.
24	in particle toxicology and in talc	24	THE WITNESS: To that
	Page 299		Page 301
1		1	
1	toxicology, you do not have to have the	1 2	specific question, no. But I
2	presence. Although, in early studies	3	can I can cite you many studies that show in terms of other
3 4	they have found talc particles not only	4	
5	in the ovary, but also in the lymph		particles for the lungs that has been shown to cause inflammation
6	node in the lymphatics that drain the	5 6	
	ovary.		in other areas.
7 8	Q. Cite for me any study that	7	For example, in the case of
	has reported inflammation in the ovaries	8	Ghio and other investigators, you
9	from inflammation of due to a particle	9	will find inflammation not only in
10	in the lung strike that.	10	the blood by the measurement of
11	Is it your contention that	11	cytokines in the blood, even
12	inflammation in the lung due to a	12	though the first target organ was
13	particle will cause inflammation in the	13	the was the lungs.
14	ovaries?	14	Also, if you look at
15	MS. O'DELL: Objection to	15	obesity, obesity is a pro-oxidant
16	form.	16	state, and that can generate
17	THE WITNESS: I'm telling	17	the reason obesity causes other
18	you that	18	health effects is because it's a
19	MS. O'DELL: Go ahead.	19	big mass of inflammation. And the
20	THE WITNESS: there's	20	inflammation in that particular
21	biological plausibility to suggest	21	site of all those fatty cells,
22	that.	22	they can release inflammatory
23	When you have a particle	23	mediators that go all over. And
24	coming in and going to a local	24	that literature is out there.

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1	BY MR. HEGARTY:	1	cadmium.
2	Q. So is it your opinion for	2	Q. So in other words a lot of
3	purposes of your biological	3	particles besides talc, according to you,
4	plausibility strike that.	4	can cause inflammation of the lungs,
5	Is it is your biological	5	correct?
6	plausibility opinion that talc inhaled	6	A. Many do. There are others
7	and in the lungs causes inflammation in	7	that do not, like titanium dioxide which
8	the ovaries that can lead to ovarian	8	were used in many studies as a control.
9	cancer?	9	Q. And those nanoparticles,
10	A. There's plausibility for	10	those air particles
11	that, yes.	11	A. In fact
12	Q. And can you cite for me any	12	Q those diesel particles.
13	published authority that says that talc	13	A. I'm sorry.
14	inhaled in the lungs will cause	14	Q. Okay. And those
15	inflammation in the ovaries that can lead	15	nanoparticles, those diesel particles,
16	to ovarian cancer?	16	air particles that can cause inflammation
17	A. There's multiple parts of	17	in the lungs, will also cause
18	that question.	18	inflammation in the ovaries, correct?
19	Q. That's a very specific	19	MS. O'DELL: Objection to
20	question to that very specific subject	20	form.
21	area. Can you cite to me any published	21	THE WITNESS: I said they
22	literature that says that?	22	will cause inflammation
23	MS. O'DELL: Would you mind	23	systemically. I did not indicate
24	repeating the full question or	24	the ovaries.
	Page 303		Page 305
1	read it.	1	BY MR. HEGARTY:
2	THE WITNESS: Any published	2	Q. Well, there's no there's
3	authority that says that that	3	nothing unique about talc particles
4	says that talc inhaled in the	4	versus the other particles you mentioned,
5	lungs will cause inflammation in	5	correct?
6	the ovaries that can lead to	6	MS. O'DELL: Object to form.
7	ovarian cancer.	7	THE WITNESS: Size, chemical
8	For that particular, and	8	composition, they they
9	that specific of a question, I	9	particles particles are they
10	cannot cite you.	10	can they can be different and
11	BY MR. HEGARTY:	11	they can be the same. So many
12	Q. You have published	12	studies use model particles to
13	extensively on particulates in the air	13	look at a negative effect like in
14	causing inflammation in the lungs,	14	the Shukla study where they used
15	correct?	15	titanium dioxide particles of a
16	A. In the lungs and	16	similar size in their as a
17	systemically.	17	control and got no gene expression
18	Q. And those particulates	18	changes.
19	include?	19	Particles in the air, if
20	A. Air particulates;	20	you're looking at there are
21	particulate matter, called PM, ambient	21	many factors that go into how a
22	PM; diesel exhaust particles. I'm also	22	particle behaves, including size,
23	going to go to my CV. Nanoparticles,	23	including composition, including
24	metal nanoparticles, specifically	24	morphology.

	Page 306		Page 308
1	BY MR. HEGARTY:	1	same inflammation that you believe that
2	Q. Well, by your methodology,	2	talc does, correct?
3	any particle inhaled that causes	3	A. Inflammation is
4	inflammation in the lungs is biologically	4	characterized by certain key components.
5	plausible, can lead to ovarian cancer,	5	Inflammation whether it's an
6	correct?	6	inflammation in the ovary or an
7	MS. O'DELL: Object to form.	7	-
	THE WITNESS: No, it can	8	inflammation in the lung or inflammation in the kidney, inflammation is an immune
8	·	9	response. And it's going to involve key
9 10	sorry. It can lead to	10	
	inflammation systemically. BY MR. HEGARTY:		cells, including the macrophage, the
11		11	neutrophil, the natural killer cell, all
12	Q. That can lead to ovarian	12	of which can produce reactive oxygen
13	cancer, correct?	13	species well, primarily the
14	A. Inflammation	14	macrophages and neutrophils produce
15	MS. O'DELL: Object to the	15	oxygen radicals.
16	form.	16	However, the natural killer
17	Go ahead.	17	cell, they all produce cytokines, which
18	THE WITNESS: Sorry.	18	can produce inflammation. So
19	MS. O'DELL: Sorry.	19	inflammation is characterized by the same
20	THE WITNESS: Inflammation	20	components.
21	is responsible for in my	21	Q. And you can't cite for me
22	opinion, is the underlying	22	any different components of the
23	mechanism, a key underlying	23	inflammation caused by cadmium as you
24	mechanism for the association for	24	believe the inflammation that is caused
	Page 307		Page 309
1	ovarian cancer, yes.	1	by talc, correct?
2	BY MR. HEGARTY:	2	A. When I measured inflammatory
3	Q. And that mechanism can be	3	responses to the inhalation of cadmium
4	initiated by any particle inhaled into	4	nanoparticles, I looked for the standard
5	the lungs, correct?	5	inflammatory markers. So I measured in
6	A. No, it's	6	the lung and in the circulation. I
7	MS. O'DELL: Objection to	7	measured the percentages of neutrophils,
8	form.	8	which is a key indicator, key criteria
9	THE WITNESS: Sorry.	9	for inflammation. I determined
10	Well, as again, as I	10	macrophage numbers as well as function in
11	stated, it depends on the it	11	terms of their ability to phagocytose, in
12	depends on the particle. For	12	their ability to produce reactive oxygen
13	example, titanium dioxide will not	13	species. And I looked for lung injury,
14	produce inflammation in the lungs.	14	as measured by lactose, lactate
15	However, other particles, many	15	dehydrogenase.
16	other particles, including	16	So when one looks for
17	cadmium, cadmium oxide particles	17	inflammation in the body, whether it's an
18	do cause inflammation, as well as	18	animal or a human, C-reactive protein,
19	asbestos does, as well as talc has	19	you are going to be looking for all the
20	been shown to.	20	same markers.
21	They can all produce	21	Q. You identified, based on
22	inflammation or oxidative stress.	22	your opinion, no difference in the
23	BY MR. HEGARTY:	23	inflammation caused by talc and the
24	Q. Cadmium particles induce the	24	inflammation caused by cadmium, correct?

	Page 310		Page 312
1	A. I did not do talc inhalation	1	because I haven't investigated
2	in my laboratory. The studies	2	that literature.
3	indicate looked for the same thing.	3	But inflammation
4	They look for changes in gene expression	4	inflammation doesn't change. It
5	of activating transcription factors.	5	can get out of the particular
6	They did in the Shukla study.	6	local organ. I don't think that
7	They look for the percentage	7	cadmium has been investigated in
8	of neutrophils. They look for macrophage	8	terms of the ovary. It's
9	activation. We all look at the same	9	certainly been investigated in
10	thing when coming to the conclusion of	10	terms of the kidney, which is
11	inflammation.	11	local which is systemically a
12	Q. And according to you, talc	12	distant organ from the local
13	and cadmium act similarly with regard to	13	target, which is the lung. And it
14	inducing inflammation in the lungs?	14	can cause inflammation in the
15	MS. O'DELL: Objection to	15	kidney.
16	form.	16	BY MR. HEGARTY:
17	THE WITNESS: Do they act	17	Q. You haven't identified any
18	similarly? Well, I think I	18	differences between the inflammation
19	answered that question.	19	caused by other particulates and the
20	Inflammation is is the	20	inflammation caused by talc, correct?
21	inflammation is modified by the	21	MS. O'DELL: Objection to
22	same components, the same soluble	22	form.
23	factors, the same cell type	23	THE WITNESS: Inflammation
24	factors, including macrophages and	24	is inflammation.
	Page 311		Page 313
1	neutrophils, dendritic cells,	1	BY MR. HEGARTY:
2	whatever. So inflammation,	2	Q. You referred to fragrances.
3	whether it's acute or chronic	3	A. I'm sorry. Could you give
4	inflammation used the same	4	me a page?
5	parameters.	5	Q. Over on Page 12. You cite
6	We call inflammation we	6	to a single study that discusses what
7	call inflammation when you in a	7	exposure levels of these fragrances have
8	tissue or in organs when you see	8	been shown to induce a biologically
9	these characteristics. And we say	9	plausible effect in the ovary.
10	these are markers indicative.	10	MS. O'DELL: Object to the
11	These are pathologies	11	form.
12	indicative these are of an	12	THE WITNESS: Many of these
13	inflammatory response.	13	fragrances, many of these
14	BY MR. HEGARTY:	14	chemicals within a specific
15	Q. So according to your	15	fragrance, it can consist of maybe
16	opinion, that's biologic plausibility	16	150 or even more chemicals within
17	between cadmium exposure and ovarian	17	any one given fragrance. Many of
18	cancer?	18	them have been shown to cause
19	MS. O'DELL: Objection to	19	inflammation.
20	form.	20	BY MR. HEGARTY:
21	THE WITNESS: I would have	21	Q. Have any of the chemicals in
22	to do more research on that to be	22	the fragrances that you looked at been
23	able to say that. I would not say	23	reported in the medical literature to
24	biological plausibility, only	24	induce inflammation in the ovaries?

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1	A. No one specifically to my	1	metals, but there's also if you look
2	knowledge, no one specifically looked at	2	at nickel and it's a micronutrient, so
3	inflammation in the ovaries. But again,	3	you can have very, very, very tiny
4	if you go back to the idea of	4	amounts in the body very tiny. And it
5	inflammation being caused by a particle	5	can be used as a micronutrient.
6	at a local site and then having the	6	You can have lead, but that
7	potential or having the capacity I	7	should not be in the body at all. And
8	should say, to to have that	8	there is no safe level of lead. So
9	inflammation go to a distant a more	9	despite what the regulatory agencies say,
10	distant site.	10	there is no safe level which is what
11	So the fact that no one has	11	their conclusion is moving towards.
12	looked at it does not delete the fact	12	And so a metal is not a
13	that certainly inflammation can get to	13	metal is not a metal.
14	distant sites, including the ovary.	14	Now, when you look at these
15	Q. Well, what is the dose of	15	three metals, so for example you have
16	nickel or and cobalt and chromium	16	nickel which is classified as a 1A
17	individually that must that the woman	17	carcinogen, but
18	must be exposed to in vivo to induce	18	Q. I'll withdraw the question.
19	inflammation in the ovaries?	19	You're not Doctor, you're not
20	MS. O'DELL: Object to the	20	answering my question.
21	form. Asked and answered.	21	MS. O'DELL: She is
22	THE WITNESS: There are	22	answering your question.
23	as I said, there's really one	23	MR. HEGARTY: No, she is
24	particle, one piece can start the	24	not.
	Page 315	2 1	Page 317
_		_	
1	process for inflammation.	1	MS. O'DELL: Yes, she is.
2	BY MR. HEGARTY:	2	And if you don't let her
3	Q. So it	3	finish.
4	A. It could be one.	4	MR. HEGARTY: Okay.
5	Q it's your opinion that	5	We'll we'll call Judge Pisano
6	one particle of nickel will induce	6	and he'll see if we're asking the
7	inflammation in the ovaries?	7	question if she's answering the
8	MS. O'DELL: Objection.	8	question.
9	BY MR. HEGARTY:	9	MS. O'DELL: Are you
10	Q. Is that correct?	10	threatening the witness by saying
11	A. Will? I can't I haven't	11	that?
12	gone through the literature, but could,	12	MR. HEGARTY: No, I'm
13	certainly.	13	talking to you. We'll go off the
14	Q. And what literature can you	14	record
15	cite that would say that one particle of	15	MS. O'DELL: You're
16	nickel could cause inflammation in the	16	threatening the witness and no,
17	ovary?	17	we're not going off the record.
18	A. It's my professional	18	MR. HEGARTY: Go off the
19	judgment being an expert toxicologist in	19	record, let's go off the record.
20	the area of metals.	20	MS. O'DELL: No, we are not
21	Q. Okay. Same question as to	21	going off the record.
22	cobalt and chromium.	22	MR. HEGARTY: Yes, let's go
23	A. Well, metals can't be lumped	23	off the record.
24	together like that. Metals are indeed	24	MS. O'DELL: If she's

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1	answering your question, she	1	either inhaled or applied to the perineum
2	she gets the right to finish her	2	will induce inflammation in the ovaries?
3	answer. You don't cut her off,	3	A. It's my opinion that it
4	Mark.	4	could.
5	MR. HEGARTY: Let's go off	5	Q. What literature do you have
6	the record.	6	to support that opinion?
7	MS. O'DELL: No, we're not	7	A. My professional opinion as a
8	going off the record. She's	8	toxicologist in metals with over
9	finishing her answer.	9	30 years.
10	MR. HEGARTY: Let's go off	10	Q. Next question. Is it your
11	the record. I'm not	11	opinion that one particle of cobalt,
12	MS. O'DELL: And then you	12	either inhaled or applied to the
13	can ask her another question.	13	perineum, will induce inflammation in the
14	MR. HEGARTY: Let's go off	14	ovaries?
15	the record. It's my deposition.	15	A. Again, it's my opinion that
16	MS. O'DELL: No. It's your	16	it it could. It has the biological
17	deposition, but it's not fair to	17	plausibility to, because inflammation,
18	mistreat this witness if she is	18	although not as toxic in many ways as
19	answering your question.	19	it's classified as a 2B 2B by IARC
20	MR. HEGARTY: I'm not	20	is has the potential does cause
21	mistreating the witness.	21	inflammation, and that inflammation can
22	MS. O'DELL: Yes, you are.	22	leave the site of the target site.
23	MR. HEGARTY: We'll go off	23	Q. What authority do you have
24	the record and call Judge Pisano.	24	for that opinion?
	Page 319		Page 321
1	MS. O'DELL: You are	1	A. My professional opinion.
2	mistreating the witness by not	2	Q. Is it your opinion that one
3	allowing her to finish her	3	particle of chromium, either inhaled or
4	MR. HEGARTY: I withdrew the	4	applied to the perineum, will induce
5	question.	5	inflammation in the ovaries?
6	MS. O'DELL: Well, okay.	6	MS. O'DELL: Objection to
7	The with the question was	7	the form.
8	withdrawn. Ask a question, let	8	THE WITNESS: It depends on
9	her	9	the form of the chromium.
10	MR. HEGARTY: No, we're off	10	BY MR. HEGARTY:
11	the record. We're going to call	11	Q. What form of chromium does
12	Judge Pisano.	12	it need to be?
13	MS. O'DELL: Okay. Great.	13	A. A trivalent chromium
14	THE VIDEOGRAPHER: Off the	14	which I'm sorry, hexavalent chromium
15	record. The time is 3:21 p.m.	15	which will then get into the cell, start
16	Off the record.	16	the process and and convert to
17	(Whereupon, a discussion was	17	chromium-3, 4 and 5.
18	held off the record.)	18	Q. That's chromium-6, correct?
19	THE VIDEOGRAPHER: We are	19	A. Hexavalent chromium is
20	back on the record. The time is	20	chromium-6, right.
21	3:23 p.m.	21	Q. Is it your opinion that one
22	BY MR. HEGARTY:	22	particle of chromium-6, either inhaled or
23	Q. Dr. Zelikoff, is it your	23	applied to the perineum, will induce
24	opinion that one particle of nickel	24	inflammation in the ovaries?

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1	MS. O'DELL: Objection to	1	lumped. And particles oftentimes,
2	form.	2	if they're different in size, if
3	THE WITNESS: It could,	3	they're different in chemical
4	because inflammation again could	4	structure, if they have iron or
5	leave the target site. And it	5	don't have iron, you have you
6	depends on the form of the metal.	6	may have differences.
7	So we have soluble metals	7	BY MR. HEGARTY:
8	I don't want to go on too long.	8	Q. Will one particle from
9	You have soluble metals and	9	diesel exhaust, inhaled or applied to the
10	insoluble metals. Some of them	10	perineum, cause inflammation in the
11	are more toxic and more and	11	ovary?
12	potentially more carcinogenic than	12	MS. O'DELL: Object to the
13	other forms. There are many salts	13	form.
14	within those metals that you gave.	14	THE WITNESS: Again, same
15	BY MR. HEGARTY:	15	answer, it could. Depends on the
16	Q. And what authority do you	16	particle size, the particle type,
17	have for the statement that one particle	17	the particle morphology. And it
18	of chromium, either inhaled or applied to	18	has the potential to induce
19	the perineum, will induce inflammation in	19	inflammation as shown in cells.
20	the ovaries?	20	And can produce an oxidant state.
21	A. My professional judgment.	21	BY MR. HEGARTY:
22	Q. Will one particle of the	22	Q. Doesn't inflammation just
23	fragrance of the chemicals that you list	23	reflect the body's normal response to the
24	from the fragrances, either inhaled or	24	presence of the particles?
	Page 323		Page 325
1	applied to the perineum, cause	1	A. There are two there are
2	inflammation to the ovaries?	2	two forms of well, there are multiple
3	MS. O'DELL: Objection to	3	forms of inflammation. But the two that
4	the form.	4	are of concern and in in response to
5	THE WITNESS: If I I	5	your question, is that they are acute
6	don't have the knowledge, I don't	6	inflammation and there is chronic
7	have the literature knowledge to	7	inflammation.
8	answer that question.	8	And with acute inflammation,
9	BY MR. HEGARTY:	9	the first response to a foreign a
10	Q. Will one will one	10	foreign particle or an antigen on a
11	particle of of cadmium, either inhaled	11	bacterial cell or an infectious agent, is
12	or applied to the perineum, cause	12	for the body to mount an immune response.
13	inflammation in the ovaries?	13	How it does that is through
14	A. It can cause	14	the same cell types that I just
15	MS. O'DELL: Objection to	15	mentioned. Polymorphonucleocytes, also
16	form. You can answer.	16	known as neutrophil. Macrophages, and
17	THE WITNESS: It can cause	17	those are the two key players, but
18	inflammation in the area if it's	18	natural killer cells all come into it.
19	inhaled in the lung and that	19	That involves the innate
20	inflammation can get out	20	immune system. And so the first thing to
21	systemically.	21	protect the body, whether it's a viral
22	Now it depends, again, on	22	infection or whether it's a bacterial
23	the size of the particle. Metals,	23	infection or whether it's a foreign
24	as I said before, cannot be	24	particle, is to mount that kind of immune

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1	response to kill or negatively impact	1	inflammation. Not that they involve
2	that particular particle.	2	different cell types or different
3	That will then that's an	3	mechanisms. But they are called, in
4	innate immune response being active.	4	terms of timing or temporality, acute
5	That will then, in some cases, upregulate	5	which will kill whatever right away and
6	the T-cell and and humoral or and	6	then chronic which unfortunately keeps
7	cell-mediated immune response.	7	playing back on itself and the
8	Now, that is, in terms of	8	inflammation will continue.
9	cancers and in terms of tumors, that is	9	Q. Granulomas which you just
10	called immunosurveillance and that's the	10	mentioned don't cause cancer, correct?
11	first thing. And you're absolutely	11	A. Granulomas do not I'm
12	right. The purpose of the immune system	12	sorry.
13	is to protect the body. That is the	13	Q. Granulomas which you just
14	function.	14	mentioned don't cause cancer, correct?
15	However, there are three	15	A. Granulomas are in response
16	stages or three types of processes for	16	to a foreign body. In the case of
17	the immune system in carcinogenesis. The	17	asbestos or in the case of another type
18	second being immuno equilibrium. But the	18	of fiber, macrophage will come over and
19	part that is the last part is that the	19	their normal process in what we call
20	tumor can actually quiet or cause	20	innate immunity is to engulf the fiber.
21	immunosenescence of the immune system.	21	And unfortunately, many times the fiber
22	So in a chronic	22	cannot be engulfable or the particle
23	inflammation, it does not always act in	23	cannot be engulfable.
24	the best interest of the of the host	24	And so many macrophage will
	Page 327		Page 329
1	but in the best interest of the tumor.	1	come over, and they will try to engulf it
2	So your the answer to	2	as a body. And that is called a
3	your question is yes, that's the function	3	granulomatous reaction.
4	of it. But it can behave, it's a	4	And that's what happens
5	two-prong sword.	5	during tuberculosis when the organism
6	Q. You said there are multiple	6	forms, many macrophages come over to kill
7	types of inflammation and you listed two	7	the organism, but it can't, and so they
8	types: Acute and chronic. Are there any	8	form granulomas.
9	other types besides those two?	9	Q. Doctor, listen to my
10	A. Well, you have the reactions	10	question. I didn't ask you what a
11	to those inflammation in terms of having	11	granuloma was. I asked you, granulomas
12	a foreign body reaction. That is part of	12	don't cause cancer, correct?
13	an inflammatory response. So in terms of	13	MS. O'DELL: Object to form.
14	temporality or timing, inflammation is	14	THE WITNESS: There is no
15	acute and is chronic.	15	literature to my knowledge that
16	What occurs during that	16	shows a granuloma, meaning immune
17	time, such as a foreign body reaction	17	response, forming macrophages
18	where macrophages all come together and	18	engulfing, can cause cancer.
19	where macrophages all come together and engulf the particle or the fiber and try	19	engulfing, can cause cancer. BY MR. HEGARTY:
19 20	where macrophages all come together and	19 20	
19 20 21	where macrophages all come together and engulf the particle or the fiber and try to keep it within a localized space, that is a process that can occur within	19 20 21	BY MR. HEGARTY:
19 20 21 22	where macrophages all come together and engulf the particle or the fiber and try to keep it within a localized space, that is a process that can occur within inflammation.	19 20 21 22	BY MR. HEGARTY: Q. And a reaction to inflammation can include the development of fibrosis or scar tissue, correct?
19 20 21	where macrophages all come together and engulf the particle or the fiber and try to keep it within a localized space, that is a process that can occur within	19 20 21	BY MR. HEGARTY: Q. And a reaction to inflammation can include the development

	Page 330		Page 332
1	inflammation.	1	A. Fibrosis does not morph or
2	Q. And there's no literature	2	turn into cancer. That is correct.
3	linking fibrosis to cancer, correct?	3	Q. In Section 12 I'm sorry.
4	MS. O'DELL: Object to the	4	On Page 12, under your section
5	form.	5	"exposure," talc particle access to the
6	THE WITNESS: My	6	body.
7	professional opinion is that there	7	Do you see that section?
8	is literature let me just read	8	A. Is this Paragraph 1, 2, or
9	over the question, please.	9	3?
10	So fibrosis is produced by	10	Q. Well, I'm looking just at
11	release of factors from the	11	the Section Number 4 right now.
12	macrophage. And it causes	12	A. Yes. Okay. Section Number
13	scarring within that particular	13	6 is on Page 12.
14	target organ.	14	Q. Section 6. I'm sorry. I
15	Now, whether or not that	15	had those transposed.
16	those that scarring can	16	A. And please repeat your
17	actually make that site more	17	question.
18	vulnerable to cancer, like in the	18	Q. You never prior to being
19	case of hepatitis, where you get	19	contacted by counsel for plaintiffs, you
20	scarring, and you get cancer as a	20	never looked at the studies reporting on
21	result of that particular	21	whether talc can reach the ovaries via
22	fibrosis, but they are two	22	inhalation or perineal application,
23	different diseases.	23	correct?
24	But whether the area of	24	A. I did not study the
	Page 331		Page 333
1	fibrosis creates a more vulnerable	1	literature or review the literature prior
2	tissue base that can that can	2	to being contacted. But I studied it and
3	progress or go to cancer is a	3	
			reviewed it extensively after being
1 4	question that there is some		reviewed it extensively after being
4 5	question that there is some	4	contacted.
5	examples of, but in the liver	4 5	contacted. Q. On Page 12 of the last
5 6	examples of, but in the liver in particular.	4 5 6	contacted. Q. On Page 12 of the last paragraph I'm sorry second-to-last
5 6 7	examples of, but in the liver in particular. BY MR. HEGARTY:	4 5 6 7	contacted. Q. On Page 12 of the last paragraph I'm sorry second-to-last paragraph, which begins, "A common
5 6 7 8	examples of, but in the liver in particular. BY MR. HEGARTY: Q. Well, there's no literature	4 5 6 7 8	contacted. Q. On Page 12 of the last paragraph I'm sorry second-to-last paragraph, which begins, "A common exposure route."
5 6 7 8 9	examples of, but in the liver in particular. BY MR. HEGARTY: Q. Well, there's no literature reporting an increased risk of cancer in	4 5 6 7 8 9	contacted. Q. On Page 12 of the last paragraph I'm sorry second-to-last paragraph, which begins, "A common exposure route." Do you see that paragraph?
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20 common exposure route, none of those 21 seven hours. I think there's a 21 authorities looked at transport of the 21 plan here to stall, and we need to				
21 authorities looked at transport of the 21 plan here to stall, and we need to				
1 2.2 particles via application of those 1 2.2 do a better job of keeping things	22	particles via application of those	22	do a better job of keeping things
23 particles to the perineum? 23 moving, or we are going to have to				
24 MS. O'DELL: Objection to 24 ask the court for more time.				

	Page 338		Page 340
1	MR. HEGARTY: Let's go off	1	have looked at transport of dry powder
2	the record.	2	talc to the perineum showing that the
3	MS. O'DELL: The suggestion	3	that talc transports to the ovaries,
4	that there's let me just	4	correct?
5	before we go off the record, the	5	MS. O'DELL: Object to the
6	suggestion that there's somehow a	6	form.
7	plan to is incorrect, and	7	THE WITNESS: When we say
8	improper. So if you want to go	8	when you say talc, you're
9	off the record, I think you've got	9	referring to talcum powder
10	an answer to your question, which	10	products?
11	was, "No, not in the paragraph."	11	BY MR. HEGARTY:
12	However, she has a right to	12	Q. Correct, correct.
13	point to evidence in her report.	13	A. That's correct to my
14	That's perfectly appropriate.	14	knowledge.
15	MR. HEGARTY: We'll let	15	Q. And are you aware that talc
16	Judge Pisano decide. We'll go off	16	is in toilet paper?
17	the record.	17	A. Yes, I just learned that
18	THE VIDEOGRAPHER: The time	18	recently.
19	is 3:39 p.m. Going off the	19	Q. Can talc in toilet paper
20	record.	20	migrate to the ovaries?
21	(Short break.)	21	MS. O'DELL: Object to the
22	THE VIDEOGRAPHER: The time	22	form.
23	is 4:04 p.m. Back on the record.	23	THE WITNESS: Can my
24	MR. HEGARTY: We're back on	24	knowledge is that talc in toilet
	Page 339		Page 341
1	the record and we're going to	1	paper is is bound to the
2	continue without calling Judge	2	other the other components
3	Pisano at this time. But we do	3	there. So unless it becomes
4	reserve the right to ask Judge	4	bioavailable it cannot migrate
5	Pisano for more time based on our	5	from the toilet paper.
6	belief that Dr. Zelikoff has many	6	BY MR. HEGARTY:
7	occasions over the course of this	7	Q. How about talc talc in
8	deposition not been responsive to	8	soap, is there talc in soaps?
9	the questions asked and as a	9	A. To my knowledge there is.
10	result has has wasted the	10	Q. Can tale in soaps, if
11	defendant's time and to our	11	applied to the perineum, migrate to the
12	prejudice.	12	ovaries?
13	So but we're going to go	13	A. If it becomes
14	forward and see if we can finish	14	MS. O'DELL: Object to form.
15	this deposition.	15	THE WITNESS: If it becomes
16	MS. O'DELL: Plaintiffs will	16	bioavailable. Likely bound up to
17	obviously oppose that that	17	the other components.
18	motion. Dr. Zelikoff has been	18	BY MR. HEGARTY:
19	responsive to your questions.	19	
20	BY MR. HEGARTY:	20	Q. When you say bioavailable,
20 21		21	what do you mean? A. To me, "bioavailable" means
22	Q. Dr. Zelikoff, we're talking	22	
	about the section on talc particle's	23	that the body can see it, and it becomes it becomes it has access to
23	access to the body. There have been no		
24	studies in either animals or humans that	24	biological responsiveness.

	Daga 242		Daga 244
	Page 342		Page 344
1	Q. And do you know a	1	Q. You need a specific page?
2	Dr. Benjamin Neel at NY University New	2	Over on Page 16. Over the course of this
3	York University?	3	page and carrying over to the next page,
4	A. Dr. Neel, isn't he the head	4	you cite a number of studies that refer
5 6	of the cancer center?	5 6	to talc causing pleural inflammation,
7	Q. He is.A. He is the head of the cancer	7	correct? A. Yes.
8		8	
9	center.	9	Q. Talc causing granulomas, correct?
10	Q. Do you know him?A. I do not know him.	10	A. Yes.
11	Q. Does he know more about	11	Q. Talc causing pulmonary
12	cancer biology than you do?	12	interstitial fibrosis, correct?
13	MS. O'DELL: Object to the	13	A. Talcum powder can do those
14	form.	14	things, yes.
15	THE WITNESS: I've not seen	15	Q. And talc causing
16	his CV. I would assume as head of	16	carcinogenic activity in the lungs,
17	the cancer center, that he	17	correct?
18	probably does. Since that is not	18	A. Are you referring to a
19	my area of study.	19	specific line?
20	BY MR. HEGARTY:	20	Q. No, I'm not referring to a
21	Q. Are dose-response	21	specific line. I'm talking about
22	relationships important in evaluating	22	generally from this part of your report.
23	potential carcinogenicity of a substance?	23	A. In general, this is the
24	A. Dose-response	24	section on inhalation. I'm talking
	Page 343		Page 345
1	dose-responses are contribute to, as I	1	about yes, I'm talking about talcum
2	said frequency, duration, exposure route.	2	powder and its ability to bring about
3	They all contribute to carcinogenicity.	3	changes in the lungs that could lead to
4	Q. In other words, in	4	carcinogenic carcinogenesis.
5	evaluating the carcinogenicity of a	5	Q. Of the reactions that we
6	substance, it's important to look at dose	6	just talked about, have any of those been
7	relationships, correct?	7	reported in women using talc on the
8	A. Are you speaking about	8	perineum?
9	dose-response, or more than one dose?	9	A. There have been no studies
10	Q. Let me ask it again. In	10	to my knowledge showing that application
11	evaluating the substance for	11	of perineal talc can produce produces
12	carcinogenicity purposes, it's important	12	lesions in the lungs.
13	to look at dose-response relationships,	13	Q. And there's been no studies
14	correct?	14	that you are of which you are aware
15	A. It's important to look at	15	that have reported findings of granulomas
16	dose-response relationships, but it's not	16	in women using talc in the perineum,
17	the only factor, is what I'm saying.	17	correct?
18	Q. In your report, you cite a	18	A. There is evidence of inflammation algority but there to my
19 20	number of reactions to tale that have	19 20	inflammation clearly, but there to my
21	been reported, pleural inflammation, granulomas, pulmonary	21	knowledge, I have not seen any of the literature which shows a granuloma in the
22	interstitial fibrosis	22	
23	A. What page are you referring	23	ovary. Q. What studies have you seen
24	to?	24	that have reported seeing inflammation in
<u> </u>	ю.		and have reported seeing initalililation in

	Page 346		Page 348
1	the ovaries of women using talc on the	1	disease.
2	perineum?	2	Q. Okay. Rheumatoid arthritis
3	MS. O'DELL: Object to the	3	does not increase the risk of cancer,
4	form.	4	correct?
5	THE WITNESS: I'm just	5	A. Rheumatoid arthritis, for
6	trying to find the section.	6	what's known now, does not increase the
7	There were many studies, I	7	risk of cancer.
8	can't right now, without finding	8	Q. Psoriasis is another chronic
9	it in my report, identify any one	9	inflammatory process, correct?
10	in particular.	10	A. Another autoimmune disease
11	BY MR. HEGARTY:	11	and another inflammatory process, yes.
12	Q. Well, sitting here today,	12	Q. Having psoriasis does not
13	can you cite any study that has reported	13	increase the risk of any form of cancer,
14	on finding inflammation of the ovaries	14	correct?
15	following perineal application of talc?	15	A. Not that not that we know
16	A. As I said, there are many	16	with the current knowledge.
17	there are many examples in animal models	17	Q. So just having chronic
18	that was not perineal, that was vaginal,	18	inflammation does not mean cancer will
19	as you stated.	19	develop, correct?
20	There were studies	20	MS. O'DELL: Object to the
21	study an early study which identified	21	form.
22	talcum powder particles in the ovary with	22	THE WITNESS: Just having
23	inflammatory responsiveness or	23	chronic inflammation does not have
24	inflammatory responses. That was a	24	to indicate. It's one again,
	Page 347		Page 349
1	very that was a very early study. I'm	1	it's one mechanism that provides
2	not sure if it was Hamilton or Henderson.	2	biological plausibility for the
3	If I may.	3	cancer induction.
4	I'm sorry it's not coming to	4	If I may give an example.
5	mind now.	5	BY MR. HEGARTY:
6	Q. Okay. Over on Page 20 you	6	Q. Well, let me that's not
7	discuss the role of the immune system	7	what I asked you for.
8	A. Yes, sir.	8	A. Okay. I thought I answered
9	Q correct?	9	your question.
10	A. I see that, yes.	10	Q. Does having pelvic
11	Q. You agree that it's not	11	inflammatory disease cause ovarian
12	generally accepted by the medical or	12	cancer?
13	scientific communities that all cancers	13	A. The inflammation has been
14	are caused by chronic inflammation,	14	linked with ovarian cancer, yes.
15	correct?	15	Q. In your opinion is there a
16	A. There are other mechanisms	16	biologically plausible mechanism between
17	that are associated with carcinogenesis	17	PID and ovarian cancer?
18	and the process of carcinogenesis. If	18	A. Well, PID is usually
19	you'd like, I can identify those.	19	associated with an infection. And what's
20	Q. You agree that there are	20	related to cancer and why there's higher
21	types of chronic inflammation that are	21	risk in inflammatory diseases of
22	not related to cancer. Rheumatoid	22	endometriosis and pelvic inflammatory
23	arthritis is one, correct?	23	disease is through a mechanism of
24	A. That's an autoimmune	24	inflammation.

	Page 350		Page 352
1	Q. Your biologically plausible	1	A. It's the only evidence
2	mechanism for talc and ovarian cancer is	2	out there that addresses this is when
3	inflammation, correct?	3	they do correlation studies with the
4	A. That's primary, yes.	4	level of antibodies to MUC-1. And when
5	Q. You make reference to MUC-1.	5	the antibody levels are decreased, then
6	That's not your biological plausibility	6	you have they found that you have an
7	mechanism, is it?	7	increased risk of ovarian cancer.
8	A. You mean MUC-1	8	Q. There are no studies
9	Q. Yes.	9	reporting or correlating MUC-1 levels in
10	A antibodies?	10	talcum powder users to ovarian cancer
11	Q. Correct?	11	risk, correct?
12	A. MUC-1, if I may explain it,	12	MS. O'DELL: Object to form.
13	is mucin. And	13	THE WITNESS: Not to my
14	Q. I don't want to interrupt.	14	knowledge.
15	I'm not after an explanation. I just	15	MS. O'DELL: Sorry.
16	wanted to know whether it's part	16	BY MR. HEGARTY:
17	whether the references you include in	17	Q. And measuring MUC-1 is not
18	your report to MUC-1 are included in your	18	used to diagnose ovarian cancer, correct?
19	biologically plausible opinion?	19	A. MUC-1 is also known as
20	A. It is included in my in	20	CA-125, and it is used as a marker.
21	reaching my opinion, yes.	21	Q. My question is, is MUC-1
22	Q. Is that a separate mechanism	22	used to levels strike that.
23	from inflammation?	23	Are MUC-1 levels used to
24	A. It is a separate mechanism	24	diagnose a woman with ovarian cancer?
	<u> </u>		
	Page 351		Page 353
1		1	
1 2	from inflammation. It's seen in ovarian	1 2	A. My response to that is MUC-1
2	from inflammation. It's seen in ovarian cancer as a marker. And when you have	2	A. My response to that is MUC-1 is synonymous with CA-125. CA-125 is a
2 3	from inflammation. It's seen in ovarian cancer as a marker. And when you have evidence has shown that if you have	2 3	A. My response to that is MUC-1 is synonymous with CA-125. CA-125 is a shed marker in the blood associated with
2 3 4	from inflammation. It's seen in ovarian cancer as a marker. And when you have evidence has shown that if you have antibodies to MUC-1, and if they're	2 3 4	A. My response to that is MUC-1 is synonymous with CA-125. CA-125 is a shed marker in the blood associated with ovarian cancer, so yes.
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2 3 4 5 6	from inflammation. It's seen in ovarian cancer as a marker. And when you have evidence has shown that if you have antibodies to MUC-1, and if they're decreased as is seen in response to talc, that you will have less of an immune	2 3 4 5 6	A. My response to that is MUC-1 is synonymous with CA-125. CA-125 is a shed marker in the blood associated with ovarian cancer, so yes. Q. Okay. Is it your testimony that for purposes of strike that.
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1	Page 354		Page 356
	oncologist would do.	1	the systematic review of the
2	Q. And measuring CA-125 levels	2	literature as I have. But each
3	does not give you any evidence of the	3	doctor, I'm sure, makes their own
4	etiology of the ovarian cancer, correct?	4	opinion.
5	A. Not to the etiology.	5	BY MR. HEGARTY:
6	However, it is an epithelial-associated	6	Q. Can you cite any doctor who
7	protein.	7	treats ovarian cancer or researches
8	So if we are talking about	8	ovarian cancer who believes that the
9	epithelial, and we are talking about	9	biological plausible mechanism of ovarian
10	epithelial ovary carcinoma, it is related	10	cancer is inflammation?
11	to to that.	11	A. I have not spoken to any
12	Q. Does all types do all	12	doctors in that regard.
13	types of inflammation irreparably damage	13	Q. What does the inflammation
14	tissue?	14	in the ovary look like in your opinion
15	A. Irreparably. Do you mean	15	from talc exposure?
16	persistently without is there	16	A. It looks like any other
17	recovery?	17	local target of inflammation, in that
18	Q. No, my question is do all	18	there are neutrophils, immune cells that
19	types of inflammation, all acute, all	19	migrate into the area. There are
20	chronic inflammation, damage tissue where	20	macrophages that migrate into the area.
21	it's not repaired?	21	There can be higher levels of cytokines
22	A. Where it's not repaired?	22	like interleukin and chemotactic factor,
23	Q. Yes.	23	growth factor.
24	A. No, you can have with	24	Q. Such inflammation, if it was
	Page 355		Page 357
1	acute inflammation, of course you can	1	occurring would be visible, correct?
2	have repair of it's there to protect	2	A. Not necessarily. In a in
3	against the invader.	3	a chronic first of all, you can get
4	Q. Does having inflammation in	4	different time periods. So
5	one organ or one tissue in the body	5	inflammation if it's chronic
	always mean that other tissues in the	-	
		۱ ۸	
6		6 7	inflammation you are talking about one
6 7	body will be inflamed?	7	inflammation you are talking about one thing. And then you might see some
6 7 8	body will be inflamed? A. It does not always mean	7 8	inflammation you are talking about one thing. And then you might see some remnants of the inflammation.
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	Page 358		Page 360
1	A. The inflammatory response?	1	Q. None of those inflammatory
2	Q. Correct.	2	markers are tested to diagnose or monitor
3	A. Or the infiltration? Not	3	a woman for developing ovarian cancer,
4	that I'm aware of. Not in my report.	4	correct?
5	Q. How many applications of	5	A. To my knowledge, tumor
6	talc to the perineum does it take to	6	necrosis factors, C-reactive protein,
7	cause chronic inflammation in the	7	none of the interleukins are monitored.
8	ovaries?	8	But again, I have to say
9	A. That's that	9	that I'm not an OB/GYN and so I'm not
10	information that is not known how many	10	I'm not familiar with what their what
11	applications, whether it could be one or	11	they are using other than what's in the
12	it needs to be over a period of three	12	literature.
13	years or a period of ten years. Some of	13	Q. And no study has clinically
14	the meta-analysis evaluations indicated	14	correlated those markers with ovarian
15	that there were some temporal	15	cancer or ovarian cancer risk, correct?
16	associations with it, and that it needed	16	MS. O'DELL: Objection to
17	to be used longer than ten years, where	17	form.
18	you saw responsiveness. And others	18	THE WITNESS: In looking at
19	indicated less than ten years.	19	biological plausibility, which
20	So it's it's difficult to	20	I'm which I'm focused on, the
21	say, and it's also associated with the	21	indication of those elevated
22	woman.	22	levels as well as decreased levels
23	Q. Does acute inflammation	23	of antioxidants are associated
24	cause cancer?	24	with inflammation and are
	Page 359		Page 361
1	A. Acute inflammation has not	1	associated with ovarian cancer.
2	been linked to my knowledge to cancer.	2	BY MR. HEGARTY:
3	As I said, it's used as an immune	3	Q. Well, can you cite for me
4	surveillance and protective mechanism as	4	any study that has clinically correlated
5	you pointed out.	5	those findings to ovarian cancer risk?
6	Q. Over on Pages 20 and 21 of	6	MS. O'DELL: Objection.
7	your report you refer to CRP and other	7	Asked and answered.
8	inflammatory markers, cytokines,	8	THE WITNESS: First of all,
9	inflammatory mediators. Do you see the	9	I'm not and again, not an
10	section I'm referring to?	10	OB/GYN.
11	A. I roles of the immune	11	I can tell you that those
12	system, and then Section E, ovarian	12	risk factors, which are
			, , , , , , , , , , , , , , , , , , ,
13	cancer inflammation?	13	inflammatory markers, are used as
14	Q. Correct.	14	inflammatory markers, are used as an indicator of inflammation as a
	Q. Correct.A. Which section are you	14 15	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism.
14 15 16	Q. Correct.A. Which section are you referring to?	14 15 16	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism. BY MR. HEGARTY:
14 15 16 17	Q. Correct.A. Which section are you referring to?Q. Well, the section ovarian	14 15 16 17	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism. BY MR. HEGARTY: Q. Well, do you cite in your
14 15 16 17 18	 Q. Correct. A. Which section are you referring to? Q. Well, the section ovarian cancer inflammation at the bottom of 	14 15 16 17 18	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism. BY MR. HEGARTY: Q. Well, do you cite in your paper any studies that have
14 15 16 17 18	Q. Correct. A. Which section are you referring to? Q. Well, the section ovarian cancer inflammation at the bottom of Page 20, carrying over to the top of	14 15 16 17 18 19	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism. BY MR. HEGARTY: Q. Well, do you cite in your paper any studies that have A. I'm sorry, do you mean the
14 15 16 17 18 19	Q. Correct. A. Which section are you referring to? Q. Well, the section ovarian cancer inflammation at the bottom of Page 20, carrying over to the top of Page 21.	14 15 16 17 18 19 20	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism. BY MR. HEGARTY: Q. Well, do you cite in your paper any studies that have A. I'm sorry, do you mean the report?
14 15 16 17 18 19 20 21	Q. Correct. A. Which section are you referring to? Q. Well, the section ovarian cancer inflammation at the bottom of Page 20, carrying over to the top of Page 21. A. I see that.	14 15 16 17 18 19 20 21	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism. BY MR. HEGARTY: Q. Well, do you cite in your paper any studies that have A. I'm sorry, do you mean the report? Q. In your report. Do you cite
14 15 16 17 18 19 20 21 22	Q. Correct. A. Which section are you referring to? Q. Well, the section ovarian cancer inflammation at the bottom of Page 20, carrying over to the top of Page 21. A. I see that. Q. And there you talk about a	14 15 16 17 18 19 20 21	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism. BY MR. HEGARTY: Q. Well, do you cite in your paper any studies that have A. I'm sorry, do you mean the report? Q. In your report. Do you cite in your report any studies that have
14 15 16 17 18 19 20 21	Q. Correct. A. Which section are you referring to? Q. Well, the section ovarian cancer inflammation at the bottom of Page 20, carrying over to the top of Page 21. A. I see that.	14 15 16 17 18 19 20 21	inflammatory markers, are used as an indicator of inflammation as a biological plausible mechanism. BY MR. HEGARTY: Q. Well, do you cite in your paper any studies that have A. I'm sorry, do you mean the report? Q. In your report. Do you cite

	Page 362		Page 364
1	of ovarian cancer?	1	are a normal product of cell activity,
2	A. Well, what I no. But	2	correct?
3	what I have found is that in women who	3	A. That is correct
4	have ovarian cancer, when they measure	4	Q. For example, for many
5	concurrently or subsequently, that the	5	A for many cells.
6	levels of certain inflammatory markers	6	Q reactive oxygen species
7	are elevated.	7	increase if we exercise, correct?
8	Q. My question was specific to	8	A. As well as antioxidants
9	women prior to being diagnosed with	9	increase, yes.
10	ovarian cancer, has any study shown that	10	Q. The same is true for
11	women with higher levels of these	11	reactive nitrogen species, correct?
12	inflammatory markers have an increased	12	A. Yes.
13	risk of ovarian cancer?	13	Q. These
14	MS. O'DELL: Objection to	14	A. It's a matter of degree.
15	form.	15	Q. Reactive oxygen species and
16	THE WITNESS: Not in that	16	reactive nitrogen species increase if
17	particular context. But again I'm	17	we're under stress, correct?
18	not an OB/GYN.	18	A. They have been shown to do
19	BY MR. HEGARTY:	19	that, yes.
20	Q. Has any study shown that	20	Q. And the body has defense
21	these inflammatory factors are elevated	21	mechanisms to handle this increase in
22	in women using talc on the perineum?	22	reactive oxygen species and reactive
23	MS. O'DELL: Objection to	23	nitrogen species, correct?
24	the form.	24	MS. O'DELL: Objection to
	Page 363		Page 365
1	THE WITNESS: It's not a	1	form.
2	common thing to measure	2	THE WITNESS: The body has
3	inflammatory mediators as a result	3	antioxidant mechanisms, including
4	of the common use of talcum powder	4	superoxide dismutase, catalase, et
5	products. So there is no	5	cetera, that are that elevate
6	indication of that because there	6	in response to reactive oxygen
7	are no studies of that.	7	species. But they can be
8	BY MR. HEGARTY:	8	overwhelmed by the amount of ROS
9	Q. If you look over on Page 24	9	release.
10	of your report under the section Role of	10	BY MR. HEGARTY:
11	Oxidants in Ovarian Cancer. Do you see	11	Q. But it would be improper to
12	that section?	12	say that simply by the generation of
13	A. Section C on Page 24?	13	reactive oxygen species or reactive
14	Q. Correct.	14	nitrogen species, DNA mutations and tumor
15	A. Yes.	15	development will occur, correct?
16	Q. All the processes that you	16	MS. O'DELL: Object to form.
17	describe in this section occur in	17	THE WITNESS: One couldn't
18	everyone everyday, correct?	18	say that just by the as you
19	MS. O'DELL: Object to the	19	point out, as the normal under
20	form.	20	normal circumstances, endogenously
21	THE WITNESS: To a degree,	21	within the body, and not in
22	yes.	22	response to a particular agent
23	BY MR. HEGARTY:	23	does produce these. So one cannot
24	Q. The reactive oxygen species	24	say, to answer your question, that

	Page 366		Page 368
1	it just the presence of	1	of the literature comes from in vivo
2	reactive oxygen species will lead	2	animal studies as well as in vitro cell
3	to cancer.	3	studies. But my role is to is to look
4	BY MR. HEGARTY:	4	at biological plausibility. And so
5	Q. What data shows that the	5	studies that reveal or indicate that
6	body's response system to reactive oxygen	6	response in an animal model and in cell
7	species and reactive nitrogen species is	7	culture indicates to me that there's no
8	unable to handle those species that might	8	likely reason why it could not happen in
9	be generated by talc exposure?	9	women.
10	A. Numerous cell studies and	10	Q. Okay. At the top of Page 25
11	numerous animal studies. And you would	11	of your report, you say that even a
12	look at that by the level of antioxidants	12	single dose of a carcinogen can produce
13	that are also present. And if a	13	effects that are adverse to cells and
14	substance such as talcum powder product	14	tissue at the site of exposure.
15	reduces antioxidants, then the cell or	15	Do you see where I'm
16	the tissue is going to be overwhelmed by	16	reading?
17	that product.	17	A. Yes.
18	Q. Has that process ever been	18	Q. When you say dose, do you
19	shown in vivo?	19	mean exposure at a dose or volume of
20	A. In a I'm not sure if this	20	exposure to a substance that studies have
21	answers your question. I'll do my best	21	proven are adverse to cells and tissues?
22	to answer it. And your question was has	22	MS. O'DELL: Object to the
23	that process, meaning the process of	23	form.
24	antioxidant change is that your	24	THE WITNESS: That's a
	Page 367		Page 369
1	question?	1	multiple question. But when I
2	Q. No. The process where the		
3	Q. 110. The process where the	2	refer to even a single dose. I
	cell or the tissue is going to be	2	refer to even a single dose, I mean even a single exposure.
	cell or the tissue is going to be overwhelmed, has that process ever been	3	mean even a single exposure.
4	overwhelmed, has that process ever been	3 4	mean even a single exposure. BY MR. HEGARTY:
4 5	overwhelmed, has that process ever been shown in vivo in women?	3 4 5	mean even a single exposure. BY MR. HEGARTY: Q. Are you saying there a
4 5 6	overwhelmed, has that process ever been shown in vivo in women? A. In women?	3 4	mean even a single exposure. BY MR. HEGARTY: Q. Are you saying there a single molecule of the substance?
4 5 6 7	overwhelmed, has that process ever been shown in vivo in women? A. In women? Q. Yes.	3 4 5 6 7	mean even a single exposure. BY MR. HEGARTY: Q. Are you saying there a single molecule of the substance? A. What I meant in this report
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	overwhelmed, has that process ever been shown in vivo in women? A. In women? Q. Yes. MS. O'DELL: Object to the form. You can answer. THE WITNESS: Certainly in animals, but not to my knowledge in women. I'm sorry. I'm still thinking. Whenever the antioxidant levels are decreased, that is an indicator of being overwhelmed by the reactive oxygen species or the oxidation stress. BY MR. HEGARTY: Q. And what studies have shown	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	mean even a single exposure. BY MR. HEGARTY: Q. Are you saying there a single molecule of the substance? A. What I meant in this report is even a single exposure. The concentration of which could be unknown. A single exposure to a certain concentration, whatever that concentration is, can produce effects. I'm not saying can produce cancer. What I'm saying is can start the process of either inflammation or oxidative stress. Q. And to what tissue does that single dose need to reach to have the adverse effects that you describe there? MS. O'DELL: Object to the form. THE WITNESS: Whatever that

	Page 370		Page 372
1	a single exposure. And it depends	1	A. In women?
2	on the susceptibility of the	2	Q. Yes.
3	tissue. So to answer your	3	A. I can I cannot off the
4	question, doses or concentration	4	top of my head or looking at my report
5	to the target tissue is unknown or	5	tell you that. Again, I just want to
6	open.	6	repeat that my charge was to look at
7	BY MR. HEGARTY:	7	biological plausibility and I I see
8	Q. You're not saying that a	8	those effects or processes that you're
9	single application of talc to the	9	indicating in cells and animal models,
10	perineum can produce effects that are	10	but I do not have that information with
11	adverse to cells and tissue in the	11	humans.
12	ovaries, correct?	12	Q. Are you aware of any study
13	MS. O'DELL: Object to the	13	correlating the exposures used in those
14	form.	14	cell and animal models to the exposures
15	THE WITNESS: I'm not saying	15	that women would experience with perineal
16	that it can't. I think I	16	application of talc?
17	testified earlier that a single	17	MS. O'DELL: Object to the
18	depending upon what that product	18	form.
19	is in this case we're talking	19	THE WITNESS: Well, in my
20	about talcum powder product	20	mind, and in reality, women use
21	that one exposure, one	21	different amounts, whether it's
22	application, one perineal direct	22	different handfuls. So I can't
23	exposure could in fact trigger the	23	really give you a concentration.
24	cells to start a process leaning	24	But there are studies, the in
21	Page 371	24	Page 373
_		_	
1	towards inflammation.	1	vitro studies, that did use more.
2	BY MR. HEGARTY:	2	However, when you're looking
3	Q. And where the talc where	3	at toxicology and you're looking
4	does the talc need to go in the body to	4	to define a mechanism or a
5	trigger that mechanism?	5	potential mechanism, if you use
6	A. Well, once it gets once	6	even a higher dose, you're
7	it's applied to the perineal region, it's	7	still you still can elicit the
8	my belief that it then migrates up to	8	same mechanism.
9	the to the vaginal area. And in the	9	So perineal application
10	vaginal area, it could also start	10	to answer your question, perineal
11	mechanisms, gene expression changes in	11	application can put a lot or a
12	the vaginal tissues that could lead to	12	little. But it also depends on
13	inflammation, or it could get to the	13	the frequency and the duration of
14	point of the cervix or to the fallopian	14	the use.
15	tubes. It causes changes in cells,	15	BY MR. HEGARTY:
16	whether it's gene expression or an	16	Q. Doctor, my question, though,
17	inflammation, at any one of those	17	was, has any study correlated the
18	upward upward reproductive tract organ	18	exposures in the animal or cell studies
19	systems or tissues. They're all made up	19	to which you are referring to, to show
20	of cells that are susceptible to oxidant	20	that those same exposures are occurring
21	stress.	21	in women applying talc to the perineum?
22	Q. Can you cite to us any study	22	A. No.
23	that has shown that process in women	23	Q. For purposes of your
24	using talc to the perineum?	24	opinions on biological plausibility, do

	Page 374		Page 376
1	you rely on the studies that you cite in	1	just?
2	your report done by Dr. Saed?	2	BY MR. HEGARTY:
3	A. I relied on the information	3	Q. Ovarian epithelial thank
4	from Dr. Saed. It went into making up my	4	you.
5	opinion, yes.	5	Have you ever done studies
6	Q. If those studies were not	6	using any type of ovarian epithelial cell
7	available to you, would your opinions	7	lines?
8	still be the same?	8	A. I have not.
9	A. As I said, one of the one	9	Q. Have you ever done any study
10	of the manuscripts came after my report.	10	using ovarian cancer cell lines?
11	And it was I looked at an abstract, so	11	A. I have not. Not personally.
12	I had information. And other others	12	Q. What data shows that the
13	of Dr. Saed's I reviewed. But I would	13	doses that Dr. Saed used in his studies
14	have come to the same conclusion. That	14	are comparable to those to which
15	was just that was supplemental and	15	epithelial ovarian cells would be exposed
16	complementary and compelling.	16	to via perineal application of talc?
17	Q. Have you ever cited an	17	MS. O'DELL: Objection to
18	abstract in any published article of	18	form.
19	yours?	19	THE WITNESS: There was no
20	A. Yes, I have.	20	comparison in his study directly.
21	Q. Are you an expert in the	21	But if I may, I just want to say,
22	kinds of testing that Dr. Saed has	22	when you're looking at biological
23	reported in the materials you reviewed?	23	plausibility, which was the
24	A. Yes, I am.	24	question that I was asked,
	Page 375		Page 377
1	Q. Do you understand that	1	oftentimes higher doses in vitro
2	Dr. Saed is an expert for the plaintiffs	2	studies are used to provide a
3	in this litigation?	3	mechanism or a plausibility or
4	A. I do understand that from	4	feasibility that that can that
5	looking at his publication.	5	that product, in this case, talcum
6	Q. Did you do anything yourself	6	powder product, can induce
7	to verify the reliability of the testing	7	inflammation, inflammatory
8	that he performed whose results you have	8	responses and changes in
9	read in his publications?	9	antioxidant levels.
10	A. I focused my review and	10	So it is not uncommon to use
11	reading of the study design, which is	11	higher doses in in vitro studies
12	and the experimental approach, which are	12	than what might be seen in a human
13	key factors for evaluating any study.	13	for biological plausibility
14	And I agree with the experimental	14	studies.
15	approach and the study design that he	15	BY MR. HEGARTY:
16	used.	16	Q. Can you cite any study that
17	He used proper controls. He	17	has shown the results reported in
18	used a dose-response. He used the proper	18	Dr. Saed's studies in vivo in women using
19	techniques in analyzing for cell	19	tale?
20	survivability as well as for oxidative	20	MS. O'DELL: Objection to
21	stress and gene expression changes.	21	form.
22	Q. Have you ever done studies	22	THE WITNESS: May I get
23	using epithelial cell lines?	23	Dr. Saed's paper?
24	MS. O'DELL: Ovarian or	24	BY MR. HEGARTY:

	Page 378		Page 380
1	Q. Well, I'm actually not	1	polymorphisms?
2	asking about Dr. Saed's paper.	2	A. I need to look at my CV
3	A. Okay.	3	again, as being co-investigator. I've
4	Q. But my question is you've	4	worked with other people. I have not
5	read Dr. Saed's papers, correct?	5	performed studies looking at single
6	A. Yes, I have.	6	nucleotide polymorphisms. But I have
7	Q. Can you cite for me any	7	worked with people who have have done
8	study that has shown the results he	8	them. And if I look at my curriculum
9	reports in his studies in women using	9	vitae, I can tell you if I've been on any
10	tale?	10	publications.
11	MS. O'DELL: Object to form.	11	Q. Okay. Because of time, just
12	THE WITNESS: His studies	12	sitting here today, recognizing for the
13	were in vitro studies.	13	record you haven't looked at your CV, do
14	BY MR. HEGARTY:	14	any such studies come to mind?
15	Q. Are there any such studies	15	A. I don't I have not done
16	looking at the effects in vivo of talc?	16	those studies in my own laboratory.
17	MS. O'DELL: Objection.	17	Although I'm I'm just saying that I
18	THE WITNESS: In vivo in	18	may have been on a publication where
19	humans or in vivo in animals?	19	colleagues of mine have used that that
20	BY MR. HEGARTY:	20	method, those methods.
21	Q. In humans.	21	Q. Do you have an opinion about
22	MS. O'DELL: Object to the	22	talc in single nucleotide polymorphisms
23	form.	23	or SNPs?
24	THE WITNESS: When you refer	24	MS. O'DELL: Objection.
	THE WITHLESS: When you refer		MB. O BEEE. Objection.
	Page 379		Page 381
1	Page 379	1	Page 381
1	to such studies, can you tell me	1	THE WITNESS: I think
2	to such studies, can you tell me which studies which types of	2	THE WITNESS: I think there there is literature
2 3	to such studies, can you tell me which studies which types of studies again are you referring	2	THE WITNESS: I think there there is literature showing, including in Dr. Saed's
2 3 4	to such studies, can you tell me which studies which types of studies again are you referring to?	2 3 4	THE WITNESS: I think there there is literature showing, including in Dr. Saed's papers, that there are single
2 3 4 5	to such studies, can you tell me which studies which types of studies again are you referring to? BY MR. HEGARTY:	2 3 4 5	THE WITNESS: I think there there is literature showing, including in Dr. Saed's papers, that there are single and in in a paper that looked
2 3 4 5 6	to such studies, can you tell me which studies which types of studies again are you referring to? BY MR. HEGARTY: Q. The cell studies that you	2 3 4 5 6	THE WITNESS: I think there there is literature showing, including in Dr. Saed's papers, that there are single and in in a paper that looked at women and looked at antioxidant
2 3 4 5 6 7	to such studies, can you tell me which studies which types of studies again are you referring to? BY MR. HEGARTY: Q. The cell studies that you reference by Dr. Saed on Page 25 of your	2 3 4 5 6 7	THE WITNESS: I think there there is literature showing, including in Dr. Saed's papers, that there are single and in in a paper that looked at women and looked at antioxidant enzymes and they showed there was
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	Page 382		Page 384
1	relationship or of the causation between	1	topic. I'll introduce the topic each
2	ovarian cancer and talcum powder	2	time that I ask you a question.
3	products.	3	Going back to the Canadian
4	Q. Well, is it your opinion	4	health assessment that you provided to us
5	that the mechanism by which talc can be	5	at the beginning of the day.
6	biologically be a biological plausible	6	A. Yes.
7	cause of ovarian cancer, that's cited by	7	(Brief interruption.)
8	Dr. Saed in his cell studies?	8	BY MR. HEGARTY:
9	MS. O'DELL: Objection to	9	Q. Doctor, we talked earlier
10	form.	10	about Canada's health assessment with
11	THE WITNESS: I believe	11	regard to talc. Are you familiar with
12	that in my opinion and what I'm	12	the process by which the Canadian
13	stating here in the report, is	13	authorities do that health assessment?
14	that inflammation is the	14	A. I am only from what is in
15	primary one of the primary	15	the document.
16	biological mechanisms.	16	Q. Have you ever been a part of
17	Whether it appears from the	17	that, of a Canadian health assessment
18	literature that single nucleotide	18	like the one shown with talc?
19	polymorphisms may, in fact, play a	19	A. I've worked with Health
20	role.	20	Canada.
21	BY MR. HEGARTY:	21	Q. Okay. Have you ever worked
22	Q. Okay. But is is that	22	with Health Canada on doing a health
23	is it your opinion that not that they	23	assessment like that reflected in the
24	play just that they play a role, but	24	document we looked at earlier today?
21	Page 383	2 1	Page 385
,		,	
1	that is the mechanism for biologic	1	A. No, I have not.
2	plausibility between talc and ovarian	2	Q. Do you know what kind of
3	cancer?	3	standards that they apply in determining
4	A. I I do not believe it	4	whether to call whether to say whether
5	is it is not my opinion that it is	5	there's a potential for harm with a
6	my opinion that single nucleotide	6	substance?
7	polymorphisms, along with inflammation	7	A. Just what is in the
8	and and perhaps other mechanisms may	8	document. And then I use my own
9	be involved that talc is associated with.	9	professional judgment, whether I agree
10	I focused my my opinion	10	with that or not.
11	on the assessment of inflammation and its	11	Q. Did plaintiff's counsel
12	role.	12	provide you with some scientific and
13	MR. HEGARTY: Off the record	13	medical literature with regard to talc or
14	for a minute.	14	ovarian cancer?
15	THE VIDEOGRAPHER: The time	15	A. So the question is whether I
16	is 4:48 p.m. We are off the	16	was provided with some scientific and
17	record.	17	medical literature with regard yes,
18	(Short break.)	18	many of the articles in the binders were
19	THE VIDEOGRAPHER: We are	19	provided to me by them.
20	back on the record. The time is	20	Q. Are you able to identify
21	5:08 p.m.	21	which of those articles came from
22	BY MR. HEGARTY:	22	plaintiffs' counsel versus which you
23	Q. Dr. Zelikoff, I'm going to	23	found on your own?
24	jump around a little bit from topic to	24	A. I may be able to do that

	Page 386		Page 388
1	with some, yes. But this is over a	1	Q. What are the differences
2	period of, as I said, 2017 to now.	2	between your current report dated
3	Q. With regard to your	3	November 16, 2018, and the final report
4	invoices do you have your invoices	4	that you provided as shown here back in
5	there?	5	February of 2018?
6	A. I do not.	6	A. It was I own that. It
7	Q. They've been marked as an	7	should have said draft report. And the
8	exhibit.	8	difference is that that's more literature
9	A. Oh.	9	and more time had gone by for the
10	Q. Can someone help her find	10	emergence and review of more literature.
11	those invoices?	11	Q. You go from a reference on
12	MS. O'DELL: Did you take	12	February 4, 2018, to the next reference
13	them back? I don't know that	13	on September 20th I'm sorry. Did I
14	there was only one copy.	14	say let me back up.
15	MR. HEĞARTY: İ don't think	15	You go form a reference on
16	I did. I think it was Exhibit 1.	16	February 4, 2018, to the next cite for
17	MS. O'DELL: The reason I	17	time on September 20, 2018. Did you
18	say that is I did not see it	18	review any additional literature between
19	during the lunch break when I	19	February 4th and September 20, 2018?
20	looked at	20	A. Yes, I'm sure I did. And I
21	THE WITNESS: I do have the	21	also reviewed the production documents
22	invoices in my binder here.	22	within that time. More of the production
23	BY MR. HEGARTY:	23	documents.
24	Q. Okay. If you can turn to	24	Q. Your report doesn't show any
	Page 387		Page 389
1	your binder, please.	1	time invoiced between February 4, 2018,
2	A. If I recall.	2	and September 20, 2018. Did you spend
3	Q. If we can find that exhibit,	3	time reviewing literature or otherwise
4	that would be helpful?	4	working on your report that's not
5	MS. O'DELL: I'm not sure	5	contained in your invoices?
6	there are any invoices in her	6	A. It I may have. I did not
7	binder.	7	always invoice for something that I spent
8	Is it in the stack that's	8	maybe an hour on.
9	right there?	9	Q. Are you able to cite for me
10	MR. HEGARTY: No, I don't	10	the sections in your report that you
11	think so.	11	added or changed between the report that
12	BY MR. HEGARTY:	12	you prepared on February 4, 2018, and the
13	Q. Yeah invoices. I found it.	13	November 16, 2018, report?
14	Your invoices, Doctor,	14	A. Not without seeing both
15	reflect that you prepared a final report	15	reports side by side.
16	delivered on February 4, 2018.	16	Q. Do you still have a copy of
17	Do you see that?	17	the February 4, 2018, report?
18	A. I do see that.	18	A. Not with me.
19	Q. That was almost a year ago,	19	Q. Does it exist?
20	correct?	20	A. It likely does on my
21	MS. O'DELL: Objection to	21	computer, yes.
	0	22	Q. You mentioned that you
22	form.		
22 23 24	torm. THE WITNESS: Yes. BY MR. HEGARTY:	23 24	referred to that you reviewed Julie Pier's deposition testimony?

	Page 390		Page 392
1	A. I said three-quarters of the	1	Canada, like Exhibit Number 9?
2	deposition, half to three-quarters.	2	A. I'm sorry.
3	Q. That was provided to you by	3	MS. O'DELL: Objection to
4	counsel for plaintiffs, correct?	4	form.
5	A. Yes, correct.	5	THE WITNESS: All I can say
6	Q. Do you know how they went	6	is that in working with Health
7	about selecting the deposition	7	Canada on immunology in my early
8	transcripts to provide to you for	8	career days, that I may have used
9	purposes of your review in this case?	9	an assessment like that.
10	A. I do not.	10	BY MR. HEGARTY:
11	Q. Did you ask for any	11	Q. Can you cite for me, sitting
12	deposition did you ask for the	12	here today, anytime that you your
13	depositions of all experts who have	13	opinions were informed by a Health Canada
14	testified in this litigation?	14	safety assessment or screening
15	MS. O'DELL: Objection to	15	assessment?
16	form.	16	MS. O'DELL: Object to the
17	THE WITNESS: I did not ask	17	form. Other than what she said?
18	for depositions.	18	THE WITNESS: Except for
19	Let me let me retract	19	what I said, I cannot recall.
20	that, please. If in reading my	20	BY MR. HEGARTY:
21	literature there was something	21	Q. Did you review for purposes
22	that I thought might be in a	22	of your opinions in this case the current
23	deposition of someone, I asked the	23	National Cancer Institutes position
24	plaintiff attorneys if they had	24	healthcare healthcare health
	Page 391		Page 393
1	anything in that regard that would	1	professional PDQ, or the NCI PDQ?
2	lend to my opinion.	2	A. I have seen that recently.
3	BY MR. HEGARTY:	3	Q. I'll mark as Exhibit Number
4	Q. And did you ever ask for any	4	23, a copy of the NCI PDQ that mentions
5	additional depositions beyond those that	5	talc.
6	were provided?	6	(Document marked for
7	A. No, I did not.	7	identification as Exhibit
8	Q. Going back to the Health	8	Zelikoff-23.)
9	Canada assessment. Have you ever cited	9	BY MR. HEGARTY:
10	to a Health Canada assessment in any	10	Q. Have you seen what I marked
11	written publication of yours?	11	as Exhibit 23 before or as of the time
12	A. Without looking at my	12	that you drafted your report?
13	publications, I cannot. But I can tell	13	A. No, sir.
14	you that coming to mind just sitting	14	Q. Plaintiffs' counsel did not
15	here, as I said, I worked with Health	15	provide you a copy of that?
16	Canada, and I worked with them on my	16	A. Not prior to my report, no.
17	research in fish immunology, and it is	17	Q. How did you happen who
18	possible that I cited Health Canada	18	strike that.
		1 1 0	Did from where did you
19	Health Canada literature in those	19	
19 20	publications concerning fish.	20	receive a copy of Exhibit 23 after
19 20 21	publications concerning fish. Q. Sitting here today, can you	20 21	receive a copy of Exhibit 23 after preparing your report?
19 20 21 22	publications concerning fish. Q. Sitting here today, can you recall at any point in time when you	20 21 22	receive a copy of Exhibit 23 after preparing your report? A. From the plaintiff attorney.
19 20 21	publications concerning fish. Q. Sitting here today, can you	20 21	receive a copy of Exhibit 23 after preparing your report?

Page 394		Page 396
1 relevant literature and internal	1	A. I reviewed their opinions.
2 information. But I did not specifically	2	I have many questions about how they
3 ask for the NCI report.	3	reached their opinions and what studies
4 Q. When you asked for all	4	they used.
5 relevant information, internal	5	If we can just be on the
6 information, was that prior to preparing	6	same page in terms of what their opinion
7 your expert report?	7	is?
8 A. That's pretty much on a	8	Q. I'm looking at the section
9 chronic level, in other words from the	9	under perineal talc exposure. And my
10 time that I was recruited or asked to	10	my question is strike that.
11 participate in this, I always asked, "Is	11	I'm looking at the section
12 there literature? Is there more	12	on perineal talc exposure which is about
13 literature? Here is the literature that	13	four pages from the end.
14 I have found," which were quite a number.	14	A. I see.
15 "Is there anything else that you can add	15	Q. And my question is only
16 to this?" So I provided literature, and	16	whether that section informed your
17 they provided me with literature.	17	opinions in this case.
18 Q. You did not find the NCI's	18	MS. O'DELL: Object to the
19 PDQ yourself?	19	form.
20 A. I did not find it myself.	20	THE WITNESS: I reviewed it.
21 Q. Did the NCI PDQ statements	21	It did not change my opinion.
22 on perineal talc exposure inform your	22	Did did it inform my opinion?
23 opinions in this case?	23	It did not change my opinion.
24 A. As I said, I only saw it	24	BY MR. HEGARTY:
Page 395		Page 397
	1	
1 within the last few days.	1	Q. Do you agree with the NCI
2 Q. Understood. But you also	2	PDQ statement on perineal talc exposure?
3 reviewed the Saed manuscript, you	3	A. If we are talking about
4 reviewed the Canadian health assessment.	4	their final conclusion?
5 You said both those documents informed	5	Q. I'm talking yes. We can
6 your opinions.	6	talk about their final conclusion.
7 So my question is, did the	7	A. Okay. If I'm recalling
8 NCI PDQ also inform your opinions.	8	this, their final conclusion that was
9 MS. O'DELL: Object to the	9	that there was no causal relationship
10 form.	10	between talc talcum powder exposure
THE WITNESS: Well, the	11	and ovarian cancer. Is that
the documents that you previously	12	Q. Well, the the weight of
mentioned do not inform my opinion	13	the evidence does not support an
prior to my report of	14	association between perineal talc
November 16th. However, it's	15	exposure and an increased risk of ovarian
information that has added to me	16	cancer. Do you agree with that
to get to this place where I am	17	statement?
18 right now.	18	A. I do not agree with that
		statement.
So my opinion has not	19	
20 changed from my report until	20	And I find, in reading this
20 changed from my report until 21 sitting here today.	20 21	And I find, in reading this document, that I'm not sure how they
20 changed from my report until 21 sitting here today. 22 BY MR. HEGARTY:	20 21 22	And I find, in reading this document, that I'm not sure how they reached that conclusion. On several
20 changed from my report until 21 sitting here today.	20 21	And I find, in reading this document, that I'm not sure how they

	Page 398		Page 400
1	Q. No, I'm just asking you	1	A. Yes, I do.
2	whether you agreed with it.	2	Q. Third line down it says,
3	A. I do not agree with their	3	"The mechanism by which perineal talc use
4	final conclusion.	4	may increase the risk of ovarian cancer
5	Q. Neither FDA nor any	5	is uncertain."
6	scientific regulatory or other group has	6	Do you agree with that
7	ever sought out your opinions with regard	7	statement?
8	to the biologic plausibility of talc and	8	MS. O'DELL: Objection to
9	ovarian cancer, correct?	9	form.
10	A. That is correct.	10	THE WITNESS: I think
11	Q. You made reference earlier	11	there's no in providing
12	to the Penninkilampi article. Do you	12	biological plausibility,
13	recall that?	13	biological plausibility, in and of
14	A. I recall mentioning it, yes.	14	itself, says that there is a
15	Q. I'm going to mark as	15	possible mechanism or action that
16	Exhibit 34 a copy of the Penninkilampi	16	could provide evidence for the
17	article. That's the article that you	17	causation.
18	were talking about earlier, correct?	18	So the mechanism by which
19	A. 2018, correct.	19	perineal talc use may increase the
20	(Document marked for	20	risk of ovarian cancer is
21	identification as Exhibit	21	uncertain. It does not mean
22	Zelikoff-34.)	22	it's it means it's uncertain,
23	BY MR. HEGARTY:	23	that there are many viewpoints on
24	Q. If you turn over to page	24	it.
	Page 399		Page 401
1	strike that.	1	BY MR. HEGARTY:
2	This is an article that you	2	Q. At the very in the very
3	rely on for purposes of your opinions in	3	last line of that article I'm sorry,
4	this case, correct?	4	the very last line of that paragraph it
5	A. This is an article that I	5	says, "The potential mechanism by which
6	reviewed and played into, yes, informed	6	genital talc is associated with an
7	my opinions.	7	increased risk of ovarian cancer hence
8	Q. Did you find it to be a	8	remains unclear."
9	reliable source of information?	9	Do you agree with that
10	MS. O'DELL: Object to the	10	statement?
11	form.	11	A. I think there is in in
12	THE WITNESS: I found no	12	regards to your previous questions that
13	problems in the study design as I	13	asked me if it was if there was an
14	read it.	14	agreement among the medical population,
15	Again, I'm not an	15	and I said that I didn't know that there
16	epidemiologist. So getting into	16	was agreement or was not agreement. I
17	the nuances of this. I'm a	17	thought that there were not agreement.
18	toxicologist and I depend on my	18	So I agree with the statement that there
19	epidemiology colleagues to fill in	19	is still room for further study.
20	the gaps.	20	Unclear does not mean
21	BY MR. HEGARTY:	21	unknown or that there are not biological
22	Q. Over on Page 45, under the	22	plausible mechanisms that could be
23	section Discussion. Do you see that	23	entertained.
	section Biseussion. Bo jourset that		

	Page 402		Daga 404
_	Page 402	_	Page 404
1	normal mechanism of response to the	1	statement in the third paragraph at the
2	presence of particles in the lungs?	2	end that says even incidental the
3	A. Depending upon the particle,	3	third paragraph at the end.
4	inflammation can be a normal part of a	4	A. I was looking for a pen.
5	response, yes.	5	Excuse me.
6	Q. Can tumors occur in the	6	Okay. Go ahead.
7	respiratory system with very high	7	Q. Says, "Even incidental
8	exposure to particles that overwhelm the	8	contamination by amphibole forms of
9	body's clearance mechanisms and lead to	9	asbestos is hazard enough to cause
10	particle overload of lung macrophages?	10	asbestos-related illnesses."
11	A. Are you referring to the NTP	11	Do you see where I'm
12	study?	12	reading?
13	Q. I'm not referring to any	13	A. I'm sorry, are you in the
14	study in particular. That was just a	14	first paragraph?
15	question in general.	15	Q. Third paragraph.
16	A. Okay. Can you repeat the	16	A. Third paragraph.
17	question?	17	Q. At the end.
18	Q. Yeah. Can tumors occur in	18	A. At the traces of these
19	the respiratory system with very high	19	types of asbestos are
20	exposure to particles that overwhelm the	20	Q. No, third paragraph.
21	body's clearance mechanisms and lead to	21	Even the last line. "Even incidental
22	particle overload of lung macrophages?	22	contamination by amphibole forms of
23	MS. O'DELL: Object to form.	23	asbestos is hazard enough to cause
24	THE WITNESS: That is a	24	cancer-related illnesses."
	Page 403		Page 405
1	that has been seen as a	1	Do you see where I'm
2	potential as a potential to	2	reading?
3	occur, yes.	3	A. Says, "Cause
4	BY MR. HEGARTY:	4	asbestos-related illnesses."
5	Q. Are there any publications	5	Q. I'm sorry. "Can cause
6	that indicate such a mechanism of	6	asbestos-related illnesses." You cite
7	particle overload can occur in the	7	A. I see where you are reading.
8	ovaries?	8	Q the Rohl and Langer
9	MS. O'DELL: Objection to	9	paper?
10	form.	10	A. Yes.
11	THE WITNESS: No studies	11	Q. I'll mark as Exhibit 35 the
12	that I'm aware of that that	12	Rohl and Langer paper that you've cited.
13	refer to particle overload in the	13	(Document marked for
14	ovaries in this regard, in regard	14	identification as Exhibit
15	to talcum powder. There's	15	Zelikoff-35.)
16	evidence, of course, as I said	16	BY MR. HEGARTY:
17	that there is talcum powder in the	17	Q. Doctor, nowhere in that
18	ovary.	18	paper did the author say that incidental
19	BY MR. HEGARTY:	19	contamination by amphibole forms of
1	Q. Over on Page 5 of your	20	asbestos is hazard enough hazardous
20	Q. Over on rage 5 or your		
	report, Exhibit 2.	21	enough to cause asbestos-related
20	- · · · · · · · · · · · · · · · · · · ·	22	enough to cause asbestos-related illnesses, do they?
20 21	report, Exhibit 2.		

	Page 406		Page 408
1	THE WITNESS: I'm sorry, I'm	1	Many investigators,
2	not certain that this is the same	2	including myself, have papers that come
3	paper. This is Rohl, et al. The	3	out the same year but with different
4	paper that I cited is Rohl and	4	authors.
5	Langer.	5	Q. If you you turn over to
	BY MR. HEGARTY:	6	Page 6 of your report.
7	Q. It's dated 1976	7	A. Yes, sir.
8	A. 1976.	8	Q. At the end of the first
9	Q correct?	9	paragraph, at the top of the page.
10	A. That's correct.	10	A. Yes.
11	Q. If you look in the abstract	11	Q. You say that "the close
	of that paper	12	proximity of asbestos in talc and mineral
13	A. Yes. The paper	13	deposits makes extraction of either
14	Q the paper that I marked	14	material alone difficult, if not
15	as Exhibit 35.	15	impossible."
16	A. Rohl, et al, yes.	16	Do you see where I'm
17	Q. Yes. It says, "It's	17	reading?
	possible adverse health effects from	18	A. Yes, I do.
	intermittent use of these products,	19	Q. Is it your testimony that it
20	especially those that contain asbestiform	20	is impossible to extract talc from
21	and fragmented anthophyllite, tremolite,	21	mineral deposits without asbestos?
	chrysotile, quartz, and trace minerals	22	MS. O'DELL: Objection to
23	are presently unknown and warrant	23	form.
	evaluation."	24	THE WITNESS: I'm not a
	Page 407		Page 409
1	Did I read that correctly?	1	I'm not a geologist. I cannot
2	A. I'm sorry, you are in the	2	I can only rely on the references
3	abstract, but I don't know what line you	3	that are there.
4	are on.	4	BY MR. HEGARTY:
5	Q. The very last line of the	5	Q. Can you list all the steps
6	abstract.	6	used in the processing of pharmaceutical
7	A. "Possible adverse health	7	grade talc?
8	effects from intermittent use of these	8	A. I can give you an overview.
	products especially those that contain	9	But again, I'm not a commercial talc
10	asbestiform and fragmented anthophyllite,	10	production person, nor am I a geologist,
11	tremolite, chrysotile, quartz, and trace	11	nor am I in the industry. So I can only
	minerals are presently unknown and	12	give you a superficial glimpse.
13	warrant evaluation."	13	Q. Can you describe the
14	Yes. This is also dated	14	benefication for talc?
15	1976.	15	MS. O'DELL: Objection to
16	Q. Which is the date that you	16	form. Asked and answered.
17	cite to the Rohl and Langer paper?	17	THE WITNESS: Not in not
18	A. Yes, I I understand that,	18	in detail. I only know in general
Τ0		19	that there is actually, I
19	sir. However, because this is a Rohl et		
	al., it is certainly possible that I	20	prefer not to answer that at all
19 20			•
19 20	al., it is certainly possible that I	20	prefer not to answer that at all
19 20 21 22	al., it is certainly possible that I miscited and it was Rohl et al. But my	20 21	prefer not to answer that at all because I don't want to be

1 A. You know, I'm waiting for 2 the see the article, please. 3 Q. Let me withdraw the 4 question. I don't have time to cover 5 that. 6 If you turn over to if 7 you look at Page 7, the second-to-last 8 paragraph you make reference there to the 9 testimony of Dr. Hopkins and the 10 testimony of Julie Pier. 11 Do you see that? 1 in any of those exhibits? 2 A. I'm not sure what you mean 3 did I do anything myself. I read them, 4 and I did not do any further literature 5 searching, if that's what you mean. 6 Q. Did you review the test 7 results themselves that are supposedly reported in those two exhibits? 9 MS. O'DELL: Objection to 10 form. 11 THE WITNESS: Did I review		Page 410		Page 412
refer to the deposition of Alice Blount. Do you see that? A. Yes, I do. Second sentence. Q. And you contend that the sample she tested claimed to include asbestos, including asbestos in Johnson's Baby Powder. Do you see where you make that reference? A. Yes, I'm citing her deposition. A. Yes, I'm citing her deposition. A. Yes, I'm citing her deposition. A. Yes, I'm citing her deposition. A. Yes, I'm citing her deposition. A. Yes, I'm citing her deposition. A. Yes, I'm citing her deposition. A. Yes, I'm citing her deposition. A. You know who prepared those exhibits? A. I do not. I would make an assumption that it was attorneys. A. I'm citing her deposition where she testified that her results published in 1991 came from a 1996? Page 411 A. You know, I'm waiting for the see the article, please. If you turn over to if you low and a Page 7, the second-to-last paragraph you make reference there to the testimony of Julie Pier. Do you see that? A. I reviewed it. And I read it to the best of my ability. Q. You make reference there to the deposition and 28 from Jr. Hopkins' depos	1	of your report.	1	O. You read every word of it?
refer to the deposition of Alice Blount. Do you see that? A. Yes, I do. Second sentence. Q. And you contend that the sample she tested claimed to include asbestos, including asbestos in Johnson's Baby Powder. Do you see where you make that reference? A. Yes, I m citing her deposition. Q. Do you know who prepared those exhibits? A. No, sir. C. Do you see that? A. You know, I'm waiting for the rese the article, please. Q. Let me withdraw the question. I don't have time to cover that. A. You know, I'm waiting for the rese the article, please. Q. Let me withdraw the question. I don't have time to cover that. Do you see that? It to the best of my ability. Q. You make reference there to Exhibits 47 and 28, 47 from Julie Pier deposition and 28 from Dr. Hopkins' deposition. A. Yes, I do. Do you know who prepared those exhibits? THE WITNESS: As the questions were asked by some of the attorneys for the plaintiffs? A. I'm not sure what you mean did I do anything myself. I read them, and I did not do any further literature sear		* *		
4 Do you see that? 5 A. Yes, I do. Second sentence. 6 Q. And you contend that the 7 sample she tested claimed to include 8 asbestos, including asbestos in Johnson's 9 Baby Powder. Do you see where you make 10 that reference? 11 A. Yes, I'm citing her 12 deposition. 13 Q. Did you read the entirety of 14 her deposition? 15 A. No, sir. 16 Q. What testing method did she 17 use? 18 A. I'd like to see the 19 deposition again. 20 Did you see from her 21 deposition again. 22 results published in 1991 came from a 23 Johnson's Baby Powder bottle purchased in 24 1996? Page 411 A. You know, I'm waiting for 25 that. 6 If you turn over to if 7 you look at Page 7, the second-to-last paragraph you make reference there to the testimony of Julie Pier. 10 Q. You make reference there to deposition and 28 from Dr. Hopkins' deposition 26 deposition. 27 deposition. 28 A. Yes, I do. 29 Do you see that? 20 Q. Doy ou know who prepared those exhibits? 20 Were you aware that they were prepared by counsel for plaintiffs? 21 MS. O'DELL: Objection to form. 22 would make an 23 assumption that it was attorneys. 24 MS. O'DELL: Objection to form. 25 THE WITNESS: As the questions were asked by some of the attorneys for the plaintiff, I would make an assumption. 26 Page 411 27 Let were prepared by counsel for plaintiffs? 28 MS. O'DELL: Objection to form. 29 What testing method did she 20 Q. Did you do anything yourself to verify the accuracy of the information in any of those exhibits? 20 A. I'm not sure what you mean did I do anything myself. I read them, and I did not do any further literature searching, if that's what you mean. 31 I in any of those two exhibits? 32 A. I'm not sure what you mean. 33 G. Det me withdraw the searching, if that's what you mean. 44 G. You make reference there to the testimony of Dr. Hopkins and the searching. If those two exhibits? 45 Johnson's Baby Powder bottle purchased in any of those two exhibits? 46 Johnson's Baby Powder bottle purchased in any of those exhibits? 47 Johnson's Baby Powder bottle purchased i			3	it to the best of my ability.
5 A. Yes, I do. Second sentence. 6 Q. And you contend that the 7 sample she tested claimed to include 8 asbestos, including asbestos in Johnson's 9 Baby Powder. Do you see where you make 10 that reference? 11 A. Yes, I'm citing her 12 deposition. 12 A. Yes, I'm citing her 13 Q. Did you read the entirety of 14 her deposition? 15 A. No, sir. 16 Q. What testing method did she 17 use? 18 A. I'd like to see the 19 deposition again. 20 Q. Did you see from her 21 deposition where she testified that her 22 results published in 1991 came from a 23 Johnson's Baby Powder bottle purchased in 24 1996? A. You know, I'm waiting for 25 that. 26 If you turn over to — if 27 you look at Page 7, the second-to-last 8 paragraphy ou make reference there to the 9 testimony of Dr. Hopkins and the 10 deposition and 28 from Dr. Hopkins' deposition and 28 from Dr. Hopkins' deposition. 28 Do you see that? 29 A. Yes, I do. Q. Do you know who prepared 10 those exhibits? A. I do not. I would make an assumption that it was attorneys. Q. Were you aware that they were prepared by counsel for plaintiffs? MS. O'DELL: Objection to form. 14 those exhibits? A. I'd like to see the 15 were prepared by counsel for plaintiffs? MS. O'DELL: Objection to form. 16 Use? 17 bias A. I'd like to see the 18 THE WITNESS: As the questions were asked by some of the attorneys for the plaintiff, I would make that assumption. BY MR. HEGARTY: Q. Did you do anything yourself to verify the accuracy of the information Page 411 1 in any of those exhibits? A. I'm not sure what you mean did I do anything myself. I read them, and I did not do any further literature searching, if that's what you mean did I do anything myself. I read them, and I did not do any further literature searching, if that's what you review the test results themselves that are supposedly reported in those two exhibits? MS. O'DELL: Objection to form. 1 in any of those exhibits? A. I'm not sure what you read did I do anything myself. I read them, and I did not do any further literature searchin				· · · · · · · · · · · · · · · · · · ·
6 Q. And you contend that the 7 sample she tested claimed to include 8 asbestos, including asbestos in Johnson's 9 Baby Powder. Do you see where you make 10 that reference? 11 A. Yes, I'm citing her 12 deposition. 13 Q. Did you read the entirety of 14 her deposition? 15 A. No, sir. 16 Q. What testing method did she 17 use? 18 A. I'd like to see the 19 deposition again. 19 Q. Did you see from her 20 Q. Did you see from her 21 deposition again. 22 Tresults published in 1991 came from a 23 Johnson's Baby Powder bottle purchased in 24 1996? A. You know, I'm waiting for 25 that. 26 If you turn over to if 27 you look at Page 7, the second-to-last paragraph you make reference there to the testimony of Julie Pier. 18 paragraph you make reference there to the testimony of Julie Pier. 19 Do you see that? 9 A. Yes, I do. Q. Do you know who prepared those exhibits? A. I do not. I would make an assumption that it was attorneys. 10 Q. Were you aware that they were prepared by counsel for plaintiffs? A. I'm not. I would make an assumption that it was attorneys. 10 Q. Were you aware that they were prepared by counsel for plaintiffs? 11 M. You know see from her 12 deposition where she testified that her results published in 1991 came from a 20 the attorneys for the plaintiff, I would make an assumption that it was attorneys. 12 M. I'm ont. I would make an assumption that it was attorneys. 13 A. I'm William assumption that it was attorneys. 14 M. Were you aware that they were prepared by counsel for plaintiffs? 15 M.S. O'DELL: Objection to form. 16 Justin and I did not. I would make an assumption that it was attorneys. 18 A. I'm ont. I would make an assumption that it was attorneys. 19 Q. Were you aware that they were prepared by counsel for plaintiffs? 10 La not. I would make an assumption that it was attorneys. 10 Do you know hope preded those exhibits? 11 In any of those exhibits? 22 A. I'm not sure what you mean did I do anything myself. I read them, and I did not do any further literature searching, if th		•	5	
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Do you see that? 11 THE WITNESS: Did I review			10	
· · · · · · · · · · · · · · · · · · ·	11	•	11	
12 A. I see reference to 12 the testing methodology? I did			12	
13 Dr. Hopkins in the third sentence. And 13 not review it in the sense that I			13	
in the same paragraph, I see on the last did further literature searching,	14		14	
sentence, deposition of Julie Pier, 15 but I I looked at and reviewed	15		15	
16 corporate representative of Imerys. 16 the testing methods that they	16	· · · · · · · · · · · · · · · · · · ·	16	
17 Q. You've already testified 17 that they said they used.	1		17	
18 that you have not completed reading the 18 BY MR. HEGARTY:	18	· •	18	•
19 deposition of Julie Pier, correct? 19 Q. Did you actually pull the			19	Q. Did you actually pull the
A. I have testified to that, 20 tests that are referenced in those	20		20	
21 yes. 21 exhibits and look at the test results			21	exhibits and look at the test results
22 Q. Did you read the entirety of 22 yourself?			22	
23 the deposition of Dr. Hopkins? 23 A. I did not.				
	24	A. I read the entirety, yes.	24	Q. Are you aware that in 2009

	D- 11- 414		D. v. 416
	Page 414		Page 416
1	FDA pulled did its own testing with	1	THE WITNESS: There are many
2	regard to asbestos and talc?	2	studies that IARC used, not just
3	A. I am aware of that.	3	worker study populations.
4	Q. Did you review the results	4	BY MR. HEGARTY:
5	of those tests?	5	Q. But their conclusion with
6	A. I did review the results.	6	regard to designating talc sorry,
7	It doesn't come to mind right now. I'd	7	designating asbestos as Category 1 was
8	like to see a copy of it, if I may.	8	based on five cohort studies involving
9	Q. Nowhere in your report do	9	heavy industrial exposure, correct?
10	you cite those test results, do you?	10	A. The preponderance or the
11	A. Not that I can recall.	11	weight the weight of evidence was
12	I do cite a paper or a	12	contributed among all studies, but it's
13	comment by Epstein writing to the FDA in	13	my it's my thought that the worker
14	here. And the FDA's response in terms of	14	studies were probably weighted as heavy
15	migration.	15	as any others.
16	But in answer to your	16	Q. You agree you agree that
17	question can you repeat your question?	17	nowhere in your report do you analyze
18	Q. Sure. Did you cite you	18	what asbestos exposure levels had been
19	agree that you didn't cite anywhere	19	shown to induce a biologically plausible
20	strike that.	20	effect in tissues, correct?
21	You did not cite anywhere in	21	MS. O'DELL: Object to the
22	your report the results of the FDA's	22	form.
23	testing of talc in 2009, correct?	23	THE WITNESS: Again, what do
24	A. It doesn't appear so, no.	24	you mean by analyze?
	Page 415		Page 417
1	Q. Did you have that	1	BY MR. HEGARTY:
2	information before you finalized your	2	Q. Well, nowhere do you cite
3	report?	3	studies in your report reporting on the
4	A. I'm not certain. Probably	4	effect of asbestos in tissues, correct?
5	yes.	5	A. I certainly do talk about
6	Q. Did you review all the	6	asbestos. If you give me a minute to
7	epidemiologic literature looking at	7	review.
8	asbestos exposure and ovarian cancer?	8	I talk about it on Page 7
9	A. Well, as I said, I'm not an	9	being listed as a Group 1 carcinogen.
10	epidemiologist. So I looked at several	10	Q. My question is nowhere in
11	of the meta-analyses, including	11	your report do you analyze the studies
12	Dr. Taher.	12	that look at the toxicity or discuss the
13	Q. Did you read all the	13	toxicity of asbestos in human tissue,
14	meta-analyses that had been published	14	correct?
15	·	15	
16	with regard to asbestos and ovarian cancer?	16	MS. O'DELL: Object to the form.
17		17	THE WITNESS: I I did not
18	· · · · · · · · · · · · · · · · · · ·	18	
	-	18	look at I did not analyze in
19	looking at asbestos exposure and ovarian		depth, no, the studies that are
20	cancer was based on exposure to was	20	associated with the IARC report,
21 22	based on a heavy industrial exposure,	21	if that's what you're asking.
1 /. /.	correct?	22	BY MR. HEGARTY:
	MC O'DELL Objection to	וחה	() \\/\bot true = at alamare:
23	MS. O'DELL: Objection to form.	23 24	Q. What type of chromium strike that.

	Page 418		Page 420
1	Is chromium-6 in Johnson's	1	Q. Of your report. The third
2	Baby Powder?	2	paragraph from the bottom where it
3	A. Chromium is in Johnson's	3	begins, "Chromium-3."
4	Baby Powder.	4	A. Yes.
5	Q. I'm sorry?	5	Q. You say, "Chromium-3 has
6	A. Chromium is present.	6	weak cell membrane permeability, allowing
7	Q. Is chromium-6 present in	7	it to cross the cell membrane in order to
8	Johnson's Baby Powder?	8	bind to DNA and cause lesions." That's
9	A. There are indications. They	9	not correct, is it?
10	just discuss total chromium.	10	A. That is not correct. That
11	Q. Can you testify here today	11	is an error on my part in the report.
12	that Johnson's Baby Powder has chromium-6	12	Chromium-3 has strong membrane
13	in it?	13	permeability. And when you asked me the
14	MS. O'DELL: Object to the	14	question initially whether there was an
15	form.	15	error in my report, I should have looked
16	THE WITNESS: Again, not	16	at it, and that is an error. Yes.
17	being a geologist and only going	17	Q. In fact chromium-3 does not
18	by the internal documents, and if	18	cross the cell membrane, correct? It's
19	I may also look at one of the	19	unable to cross the cell membrane?
20	exhibits that has the data for the	20	A. Chromium-6 crosses the cell
21	metals. I'm sorry.	21	membrane and then converts into is
22	MS. O'DELL: It's Exhibit C	22	oxidized to chromium-3. And chromium-3
23	that was marked.	23	is the actual component which causes the
24	THE WITNESS: I don't want	24	instability.
	Page 419		Page 421
1	to go by my memory alone. I'd	1	Q. But chromium-3 is unable to
2	like to see that.	2	cross the cell membrane, correct?
3	Thank you very much.	3	A. Completely. To some degree
4	In the document prepared as	4	it has it can cross to some some
5	Exhibit C, chromium has not been	5	minimal degree. But it's hexavalent
6	speciated and it's listed as total	6	chromium which can cross which has
7	chromium. I would make the	7	great capacity to cross the cell
8	assumption from my professional	8	membrane, yes.
9	opinion that in mining, you do get	9	May I take a minute, please.
10	both chromium-6 and chromium-3	10	Let me let me restate
11	when you have when you're	11	based upon the third paragraph that
12	mining talc. But I'm not a	12	starts, "Chromium-3 has weak cell
13	geologist.	13	membrane permeability."
14	BY MR. HEGARTY:	14	It has weak to no cell
15	Q. Does chromium-6 only come	15	membrane permeability.
16	through industrial processing?	16	It is the active oxidized
17	A. No. It can actually be	17	product of hexavalent chromium or
18	found in the soil as a product of	18	chromium-6, that along with chromium-4
19	contamination.	19	and chromium-5 which is responsible for
20	Q. If you look over	20	genetic instability and oxidative stress.
21	A. And it can be re-oxidized.	21	So it's chromium-3.
22	Yes.	22	Q. If you turn over to Page
23	Q. If you look over on Page 9?	23	13 I'm sorry, Page 12 of your report.
24	A. Of?	24	Section entitled C, Fragrances?

	Page 422		Page 424
1	A. Yes.	1	expert witness report in litigation?
2	Q. As of the time you prepared	2	MS. O'DELL: Object to the
3	your report, your entire opinions with	3	form.
4	regard to fragrances was based on the	4	THE WITNESS: I am trying to
5	report by Michael Crowley, correct?	5	recall whether or not I have ever
6	A. That is correct.	6	had that opportunity.
7	Q. You understand	7	BY MR. HEGARTY:
8	A. And, and what I know about	8	Q. Sitting here right now, can
9	some of the components from other	9	you recall when you had such an
10	other studies.	10	opportunity?
11	Q. Have you had any prior work	11	A. In this particular setting
12	experience with him?	12	of being deposed?
13	A. Dr. Michael Crowley?	13	Q. Or in any in any setting
14	Q. Yes.	14	where you are concurring with the opinion
15	A. No.	15	of someone who who comments on
16	Q. Do you know anything about	16	toxicity in an expert witness report
17	his qualifications beyond beyond what	17	written for litigation?
18	you read in his report?	18	MS. O'DELL: Objection to
19	A. No. Just in his report and	19	form.
20	the information that he gives about	20	THE WITNESS: I would
21	<u> </u>	21	I I would comment on it if I
22	himself. And the questions that were	22	
23	asked to him and the responses.	23	agreed.
	Q. You say that you concur	24	And in this case, you know,
24	"I concur with his opinion." Does that	24	having the knowledge base that I
	Page 423		Page 425
1	mean that you agreed with everything that	1	have, not on certainly not on
2	he says in his report?	2	all 150 different chemicals, which
3	MS. O'DELL: Object to the	3	is why I did my own literature
4	form.	4	search, but on the chemicals that
5	THE WITNESS: I concur with	5	I do know, I did agree with the
6	his statement which says that	6	fact that they they do
7	"some of these chemicals in	7	contribute to inflammatory
8	fragrances may contribute to the	8	responses, toxicity, some are
9	inflammatory response, toxicity	9	cytotoxic and produce cell injury
10	and potential carcinogenicity of	10	and potential carcinogenicity.
11	Johnson & Johnson talcum powder	11	So as ethyl benzene as one
12	products."	12	of the ingredients or one of the
13	And that's based on the	13	constituents in fragrances, is
14	knowledge of some of the chemicals	14	listed as a type as a Class 2
15	as I said that I've reviewed for	15	carcinogen. So I did agree with
16	other studies and personal	16	it.
17	studies. And they are indeed	17	If I had any question, I did
18	inflammatory and can cause	18	my own search.
19	toxicity.	19	BY MR. HEGARTY:
20	BY MR. HEGARTY:	20	Q. Over on page Pages 12 and
21	Q. Prior to reading	21	13, again you discuss exposure routes of
22	Dr. Crowley's report, had you ever	22	talc either through perineal exposure or
		0.0	
23	concurred with a finding as to toxicity	23	through inhalation, correct? And that

	Page 426		Page 428
1	and 17.	1	that are applied to talc via the perineal
2	A. Okay.	2	route?
3	Q. So in that section, did you	3	A. What I did was I looked at
4	in any way analyze whether the particles	4	the internal documents, found that the
5	that whether talc can transport in the	5	according to the the instrumentation
6	same way that the particles do in the	6	and the graphics that they did, as well
7	studies that you cite?	7	as Dr. Longo, and looked at the size
8	MS. O'DELL: Objection to	8	range of the particles. As I said, the
9	form.	9	median and the average is around 10.5 to
10	BY MR. HEGARTY:	10	11.5, but there were particle size range
11	Q. In other words, did you cite	11	in the talc talcum powder products
12	any authority showing that talc particles	12	that range all the way from 50 microns or
13	transport in the same way as the	13	larger all the way down to 0.3 microns or
14	particles you reference in these studies?	14	300 nanometers.
15	A. Not conclusively. But as I	15	Q. Well, did you do any
16	said, if the particles are of similar	16	correlation to determine whether the
17	sizes, which they are in these in	17	the size of the particles studied in
18	these animal studies, then I would have	18	the in the articles you cite in any
19	no reason to believe that the talc	19	way correlate or relate to the particle
20	particles did not move in the same	20	sizes in Johnson's Baby Powder?
21	manner.	21	MS. O'DELL: Object to the
22	Q. Well, do you agree that it	22	form.
23	is important when talking about transport	23	THE WITNESS: The size of
24	of particles, that strike that. Let	24	particles that were used in many
	Page 427		Page 429
1	me ask it a different way.	1	of the animal studies certainly
2	You cite to an authority	2	fall within the range that I just
3	that makes the following statement, I	3	gave you.
4	don't want to ask you I want to ask	4	BY MR. HEGARTY:
5	you if you agree with it.	5	Q. Well, a number of the animal
6	A. Okay.	6	studies used nanoparticles, correct?
7	Q. In an experiment to	7	1 1 1
_		,	A. They used .1 micron, but
8	evaluate	8	A. They used .1 micron, but they also used larger particles.
9	A. I'm sorry. What page?		•
		8 9 10	they also used larger particles.
9 10 11	A. I'm sorry. What page?	8 9 10 11	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder?
9 10	A. I'm sorry. What page?Q. It's it's not on it's	8 9 10 11 12	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in
9 10 11	A. I'm sorry. What page?Q. It's it's not on it'snot in your report. It's part of my question.A. Okay.	8 9 10 11 12 13	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if
9 10 11 12 13 14	 A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an 	8 9 10 11 12 13	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle
9 10 11 12 13 14 15	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation	8 9 10 11 12 13 14	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to
9 10 11 12 13 14 15	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation of solid particles, the characteristics	8 9 10 11 12 13 14 15	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to nanoparticles. Are there nanoparticles
9 10 11 12 13 14 15 16 17	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation of solid particles, the characteristics of the particle, i.e., size and material,	8 9 10 11 12 13 14 15 16	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to nanoparticles. Are there nanoparticles in Johnson's Baby Powder?
9 10 11 12 13 14 15 16 17	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation of solid particles, the characteristics of the particle, i.e., size and material, should be considered carefully?	8 9 10 11 12 13 14 15 16 17	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to nanoparticles. Are there nanoparticles in Johnson's Baby Powder? A. Not that your literature
9 10 11 12 13 14 15 16 17 18	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation of solid particles, the characteristics of the particle, i.e., size and material, should be considered carefully? A. I agree that the size should	8 9 10 11 12 13 14 15 16 17 18	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to nanoparticles. Are there nanoparticles in Johnson's Baby Powder? A. Not that your literature showed. But ultra fines are also can
9 10 11 12 13 14 15 16 17 18 19 20	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation of solid particles, the characteristics of the particle, i.e., size and material, should be considered carefully? A. I agree that the size should be considered very carefully.	8 9 10 11 12 13 14 15 16 17 18 19 20	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to nanoparticles. Are there nanoparticles in Johnson's Baby Powder? A. Not that your literature showed. But ultra fines are also can be called nanoparticles because they go
9 10 11 12 13 14 15 16 17 18 19 20 21	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation of solid particles, the characteristics of the particle, i.e., size and material, should be considered carefully? A. I agree that the size should be considered very carefully. Q. And did you do any	8 9 10 11 12 13 14 15 16 17 18 19 20 21	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to nanoparticles. Are there nanoparticles in Johnson's Baby Powder? A. Not that your literature showed. But ultra fines are also can be called nanoparticles because they go as low as .1.
9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation of solid particles, the characteristics of the particle, i.e., size and material, should be considered carefully? A. I agree that the size should be considered very carefully. Q. And did you do any comparison with the size of particles	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to nanoparticles. Are there nanoparticles in Johnson's Baby Powder? A. Not that your literature showed. But ultra fines are also can be called nanoparticles because they go as low as .1. Q. If you look over on Page 14
9 10 11 12 13 14 15 16 17 18 19 20 21	A. I'm sorry. What page? Q. It's it's not on it's not in your report. It's part of my question. A. Okay. Q. Do you agree that in an experiment to evaluate the translocation of solid particles, the characteristics of the particle, i.e., size and material, should be considered carefully? A. I agree that the size should be considered very carefully. Q. And did you do any	8 9 10 11 12 13 14 15 16 17 18 19 20 21	they also used larger particles. Q. Is it your testimony that there are nanoparticles of talc in Johnson's Baby Powder? A. If a particle a particle is considered an ultra fine particle if it's .1 micron or less. Q. But my question is as to nanoparticles. Are there nanoparticles in Johnson's Baby Powder? A. Not that your literature showed. But ultra fines are also can be called nanoparticles because they go as low as .1.

	Page 430		Page 432
1	Dr. Epstein, correct?	1	A. I did not.
2	A. That's correct.	2	Q. Why not?
3	Q. I marked as Exhibit	3	A. And in terms of my report,
4	Number 33 a copy of that letter.	4	and talking about migration, again, the
5	(Document marked for	5	ovarian cancer and cogent biological
6	identification as Exhibit	6	mechanism was not appropriate for that,
7	Zelikoff-33.)	7	where I cited the original statement.
8	BY MR. HEGARTY:	8	Q. But you cite elsewhere in
9	Q. Is that a copy of the letter	9	your report statements and studies you
10	that you are referencing in that	10	contend support your opinion that there
11	paragraph?	11	is a biologically plausible mechanism
12	A. If you could point me to the	12	between talc and ovarian cancer, correct?
13	paragraph, please.	13	A. Yes, I do.
14	Q. Well, it's the second	14	Q. This statement by FDA
15	it's the second paragraph at the top of	15	concerns whether there's a biologically
16	Page 14.	16	plausible mechanism between talc and
17	A. Stating "further evidence	17	ovarian cancer, correct?
18	for migration"?	18	A. That is that is what the
19	Q. Correct.	19	FDA says, yes.
20	A. Okay. Yes. This is the	20	Q. Did you cite FDA's statement
21	letter that I'm referring to.	21	about as to its view of whether a
22	Q. In the same paragraph that	22	cogent biological mechanism exists
23	you reference, where you make where	23	anywhere in your report?
24	you in the same paragraph where you	24	A. I did not cite this
	Page 431		Page 433
1	pull out the statement that you cite	1	statement.
2	here, "FDA states that while there exists	2	Q. You cite one statement by
3	no direct proof of talc in ovarian	3	FDA that you believe they are correct
4	carcinogenesis"	4	about?
5	A. Genesis?	5	A. They put a lot of weight
6	Q. Genesis, carcinogenesis.	6	into that statement and
7	It's getting late for me too.	7	Q. Well, how did you weigh that
8	Did you cite that finding by	8	statement versus the other statement that
9	FDA in this paragraph?	9	I read at the bottom of Page 4?
10	A. No. What I was trying to	10	A. Sorry, I'd like to find it.
11	cite was referring to migration through	11	And repeat the question
12	the upper genital tract. So citing the	12	please.
13	information on carcinogenesis would not	13	Q. How did you weigh the
14	have been appropriate in that paragraph.	14	statements you cite about migration
15	Q. If you turn over to Page 4	15	versus the other statement that I read at
16	of the FDA's letter. At the very bottom	16	the bottom of Page 4 about a cogent
17	FDA states, "A cogent biological	17	biologic mechanism?
18	mechanism by which talc might lead to	18	A. In terms of the migration,
19	ovarian cancer is lacking."	19	this is something that not only has been
20	Do you see that?	20	found by the FDA and and is being
21	A. I do see that.	21	reiterated as a result of numerous
22	Q. You do not cite that	22	studies, this, Number 4, a cogent
23	statement anywhere in your report,	23	biological mechanism by which talc led to
24	correct?	24	
	• • • •		ovarian cancer is lacking is the FDA's

1 opinion in 19 – in 2014, and I did not 2 know at all how they came to that 3 conclusion. 3 conclusion. 4 So in terms of migration of 5 thar's been ferreted out and it's well 6 known in the literature for migration of 7 particles. But the — their opinion, the 8 FDA's opinion on this, I could not 9 substantiate in terms of what they were 10 basing that conclusion on. 11 Q. What methodology did you use 12 to determine which of the statements by 12 substantiate in terms of what they were 13 FDA in this letter you believed are 14 correct? 15 FDA letter. A. Okay. Q. At the bottom, do you see they comment on the very NTP study — 4 Yes. A. Yes. Q. — that you just mentioned, 10 right? MS. O'DELL: Which page are 12 you on? MR. HEGARTY: Page 3. THE WITNESS: Well, if it 12 was a common finding such as that 20 which particles can migrate which 21 has been shown since late 1990s, 22 versus information that is given 23 in this report and is the basis — 24 and is what the FDA is opining on, 24 what the literature is that they 25 reached in that conclusion. 4 BY MR. HEGARTY: D. JARC includes a citation in 16 its 2010 monograph saying essentially 10 that the evidence of migration to the ovaries is weak. Do you recall reading 11 that. Tve reviewed the IARC paper, but 12 I—I do not recall. And I could look 21 at it and tell you what I thought. 24 there's been some controversy by 12 Law of 14 the page where I said that. 12 I—I do not recall. And I could look 21 it it and tell you what I thought. 25 the page where I said that. 26 to FDA's comments are over y similar to those made by other scientists. You are talking about the very similar to those made by other scientists. You are talking about the very similar to those made by other scientists. You are talking about the very similar to those made by other scientists. You are talking about the very similar to those made by other scientists. You are talking about the very similar to those made by other scientists. You are talking about the very similar to those made by other		Page 434		Page 436
2 know at all how they came to that conclusion.	1	opinion in 19 in 2014, and I did not	1	scrutiny. I think that for what they
3 Conclusion. 4 So in terms of migration, that's been ferreted out and it's well 6 known in the literature for migration of particles. But the - their opinion, the FDA's opinion on this, I could not 9 substantiate in terms of what they were 10 basing that conclusion on. 10 Q. What methodology did you use 10 to determine which of the statements by 12 to correct? 16 MS. O'DELL: Object to the 17 form. 17 form. 17 form. 18 THE WITNESS: Well, if it 19 was a common finding such as that 18 a question. 19 A. O'kay. Q that you just mentioned, right? MS. O'DELL: Which page are you on? MR. HEGARTY: Page 3. THE WITNESS: There were a 18 question. 19 A. O'kay. Q. I'm not - I'm haven't asked 18 question. 19 Q. My question was simply, do you see where they comment on that NTP study? A. I see that, yes. Q. Do you cite anywhere in your 19 Page 435 Page 435 Page 437 Page 438 Page 438 Page 439 Page 439 Page 437 Page 439 Page 439 Page 439 Page 439 Page 439 Page	2		2	
4 So in terms of migration, 5 that's been ferreted out and it's well 6 known in the literature for migration of 7 particles. But the their opinion, the 8 FDA's opinion on this, I could not 9 substantiate in terms of what they were 10 basing that conclusion on. 11 Q. What methodology did you use 12 to determine which of the statements by 13 FDA in this letter you believed are not 15 correct? 16 MS. O'DELL: Object to the 17 form. 18 THE WITNESS: Well, if it 19 was a common finding such as that 19 was a common finding such as that 20 which particles can migrate which 21 has been shown since late 1990s, 22 versus information that is given 23 in this report and is the basis 24 and is what the FDA is opining on. Page 435 1 however, I don't know what the what the literature is that they 20 reached in that conclusion. 4 BY MR. HEGARTY: 5 Q. I'm not I'm haven't asked a question. 4 Oh, I'm sorry. 2 Q. My question was simply, do you see where they comment on that NTP study? 2 Lim not I'm haven't asked a question. 4 Oh, I'm sorry. 2 Q. My question was simply, do you see where they comment on that NTP study? 4 A. Oh, I'm sorry. 4 Q. Do you cite anywhere in your Page 435 Page 435 Page 437 Page 437 Page 437 Page 437 Page 438 A. I can find it in my report. 1 did comment on some of the other that there's been some controversy by Dr. Warheit and Dr. Goodman. They had some pushback on this. I think I commented on that, but I'd like to find the page where I said that. 9 Q. You agree that you didn't cite to FDA's commentary about the NTP study in its February 14, 2014, letter? 1 A. Ok. To not hat I recall, 1 and tell you what I thought. 2 Q. You saye that you didn't cite to FDA's comments are very similar to those made by other scientists. 10 A. Por what it was, I do find 11 tit to be a well-done study. I've worked 22 with the NTP. I've served as an advisory 23 board member. And I think that the work 24 with the NTP. I've served as an advisory 25 board member. And I think that the work 26 Dr. David Warheit	3		3	
that's been ferreted out and it's well known in the literature for migration of particles. But the their opinion, the FDA's opinion on this, I could not substantiate in terms of what they were lobasing that conclusion on. Q. What methodology did you use to determine which of the statements by FDA in this letter you believed are correct and which you believed are correct? MS. O'DELL: Object to the form. THE WITNESS: Well, if it mas a common finding such as that mas been shown since late 1990s, which particles can migrate which has been shown since late 1990s, can and is what the FDA is opining on, Page 435 however, I don't know what the what the literature is that they areached in that conclusion. BY MR. HEGARTY: Q. I'm not I'm haven't asked a question. A. Oh, I'm sorry. Q. My question was simply, do you see where they comment on that NTP study? A. I see that, yes. Q. Do you cite anywhere in your Page 435 however, I don't know what the what the literature is that they reached in that conclusion. BY MR. HEGARTY: Q. I'm not I'm haven't asked a question. A. Oh, I'm sorry. Q. My question was simply, do you see where they comment on that NTP study? A. I see that, yes. Q. Do you cite anywhere in your Page 435 Page 437 report FDA's commentary on the NTP study? A. I can find it in my report. reached in that conclusion. BY MR. HEGARTY: Q. I'm not I'm haven't asked a question. A. On, I'm sorry. Q. My question was simply, do you see where they comment on that NTP study? A. I see that, yes. Q. Do you cite anywhere in your Page 437 report FDA's commentary on the NTP study? A. I can find it in my report. reached in that conclusion. They was a common finding such as that there's been some controversy by Dr. Warheit and Dr. Goodman. They had some pushback on this. I think I commented on that, but I'd like to find the page where I said that. Q. You agree that you didn't cite to FDA's commentary about the NTP study in its February 14, 2014, etter? A. Not - nor that I recall, no. But as I said, I did c	4	So in terms of migration,	4	
Rown in the literature for migration of particles. But the — their opinion, the respectively. Page 435	5	S .	5	A. Okay.
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	Page 438		Page 440
	_	_	_
1	Q. For purposes of your	1	So when you're looking at
2	analysis in this case, did you review all	2	toxicology, it's not just the
3	the studies on talc miners and millers?	3	concentration that you use. It's
4	A. No, I did not.	4	also the length and duration and
5	Q. For purposes	5	frequency of the use and their
6	A. I am not an epidemiologist.	6	cumulative effects.
7	Q. For purposes of your	7	BY MR. HEGARTY:
8	analysis in this case, did you look at	8	Q. Is it your opinion that a
9	all the studies looking at talc	9	single particle of talc is sufficient for
10	looking at long-term effects of talc	10	biologic plausibility?
11	pleurodesis?	11	MS. O'DELL: Objection to
12	MS. O'DELL: Object to the	12	form.
13	form.	13	THE WITNESS: I'm pretty
14	THE WITNESS: It was it	14	sure I answered that question
15	was not my question to look at	15	before. But I will again,
16	only to bring the pulmonary	16	talcum powder is known to produce
17	aspects in in manners that relate	17	inflammation, and inflammation is
18	to ovarian effects and	18	known to be a biological mechanism
19	inflammation and plausibility.	19	for cancer.
20	So, no, I did not. I	20	BY MR. HEGARTY:
21	reviewed several studies on	21	Q. My question is, is a single
22	pleurodesis, in terms of	22	particle of talc in vivo sufficient for
23	understanding it, why talcum	23	your biologic plausibility opinion in
24	powder is used, and the effect of	24	this case?
	Page 439		Page 441
1	talcum powder on pleurodesis.	1	A. If it produces inflammation,
2	BY MR. HEGARTY:	2	it could be used that way. As a matter
3	Q. What is the volume of talc	3	of relevancy, I don't think that there's
4	that gets introduced in vivo with a	4	anyone who produces who uses a single
5	single application to the perineum?	5	molecule. But in answer to your
6	MS. O'DELL: In pleurodesis?	6	question, if that single talc talcum
7	THE WITNESS: For	7	powder product produced inflammation,
8	pleurodesis?	8	then yes, it could it could be related
9	BY MR. HEGARTY:	9	to biological plausibility.
10	Q. No, just in women in	10	Q. Can you cite any published
11	applying strike that.	11	authority that supports that opinion?
12	MS. O'DELL: I'm sorry.	12	A. That shows me that one
13	BY MR. HEGARTY:	13	particle could produce inflammation?
14	Q. What is the volume of talc	14	Q. That could lead to cancer.
15	that gets introduced in vivo with a	15	A. That could lead to cancer.
16	single application of talc to the	16	I cannot show you. It's not that I don't
17	perineum?	17	know if it's there or not there. I just,
18	MS. O'DELL: Objection to	18	to my knowledge, I am not aware.
19	form.	19	MR. HEGARTY: I'm going to
20	THE WITNESS: I do not know	20	let Mr. Ferguson ask you some
21	the concentration. It depends on	21	questions for a little bit. Then
22	the person and how they're using	22	I will come back and finish up.
l	.4 14 - 1	22	THE WITNIECS. Okov. Thonk
23 24	it. It also depends on the frequency that they are using it.	23 24	THE WITNESS: Okay. Thank you.

	Page 442		Page 444
1	THE VIDEOGRAPHER: The time	1	Q. Have you ever been elected
2	is 6:00 p.m. Off the record.	2	to membership in any of the national
3	(Short break.)	3	academies, for example the National
4	THE VIDEOGRAPHER: The time	4	Academy of Science?
5	is 6:25 p.m. Back on the record.	5	A. I've not been elected as a
6		6	member, but I have served on the advisory
7	EXAMINATION	7	body numerous times.
8		8	Q. Okay. But you haven't been
9	BY MR. FERGUSON:	9	elected to membership; is that right?
10	Q. Hello, Dr. Zelikoff.	10	A. No, that is correct.
11	A. Hello.	11	Q. Dr. Zelikoff, have you
12	Q. How are you?	12	communicated with any regulatory bodies
13	A. Good, thank you.	13	of any country regarding the issue of
14	Q. My name is Ken Ferguson, and	14	talc and ovarian cancer that we've been
15	I represent Imerys, one of the parties to	15	discussing today?
16	this litigation. Do you understand that?	16	A. I have not.
17	A. I understand what you said,	17	Q. Have you communicated with
18	yes.	18	any scientific journals or publications
19	Q. Okay. And I'm going to have	19	regarding talc and ovarian cancer?
20	some questions for you, which I'm going	20	A. I have not.
21	to maybe try to go through pretty	21	Q. So, can you turn to your
22	quickly. But just stop me if I speed up	22	report, which is Exhibit Number 2.
23	too much. I'm told that I talk slowly.	23	A. I have it.
24	So maybe I won't be speeding up too much.	24	Q. Okay. Can you look at the
	Page 443		Page 445
1	So first of all, let me just	1	top of Page 3, please.
2	go back briefly to your background and	2	A. Yes, sir.
3	qualifications.	3	Q. And in the first full
4	A. Okay.	4	paragraph on that page, it says, "My
5	Q. Just briefly, do you	5	opinions below are based upon my
6	currently have a laboratory?	6	experience as a toxicologist and research
7	A. I do have a laboratory.	7	scientist and have been reached through
8	Q. And how many personnel do	8	employing the same scientific methodology
9	you have employed in the laboratory?	9	and rigor that I employ in my academic
10	A. Today?	10	research and professional duties."
11	Q. Yes, ma'am.	11	Correct?
12	A. Today I have no one	12	A. Yes, sir, I see that.
13	employed, but three graduate students.	13	Q. And is that true?
14	Q. And where does the funding	14	A. That is true.
15	come from to support that laboratory?	15	Q. And in your professional
16	A. It comes from the NIEHS,	16	duties and academic research, do you
17	National Institute of Environmental	17	customarily rely on peer-reviewed
18	Health Sciences from a center grant. And	18	publications in the scientific literature
19	that is the main source at this moment.	19	for your research?
20	Q. Are you the principal	20	A. I do peer reviews, I rely
21	investigator of any extramural or	21	on. Abstracts come into play.
22	intramural funding at the current time?	22	Documents. Whatever is needed, I will
23	•	23	
	A. I have as of today, I'm		use and cite in my publications.
24	not.	24	Q. Do you customarily rely on

	D 116		D 440
	Page 446		Page 448
1	non-peer-reviewed research that is paid	1	testing from the company?
2	for by a party that has a direct	2	BY MR. FERGUSON:
3	financial interest in the outcome of the	3	Q. And my question was, can you
4	study?	4	cite any scientific articles that you've
5	MS. O'DELL: Object to the	5	authored in which you cited an
6	form.	6	unpublished paper authored by an expert
7	THE WITNESS: I go by the	7	witness who is being paid in the
8	science. I don't look at the	8	litigation on the very topic that you're
9	funding. Many scientists do. But	9	writing on?
10	I think if the science is sound, I	10	A. I have not had that
11	look at the science I go by the	11	opportunity so the answer is no.
12	science.	12	Q. So, you've never done that
13	BY MR. FERGUSON:	13	in your academic writings, correct?
14	Q. Look at look at Page 8,	14	A. If you mean that by that,
15	please.	15	that I have never cited an unpublished
16	A. Yes, sir.	16	paper authored by an expert witness?
17	Q. There in the first full	17	Q. Yes, ma'am.
18	paragraph, you talk about recent TEM	18	A. I have not done I have
19	testing on historic samples.	19	not had the opportunity to do that. My
20	Do you see that sentence?	20	publications are primarily, if not
21	A. Recent TEM testing on	21	solely, based either on reviews or or
22	historic samples, yes.	22	results that have emerged from my own
23	Q. And you cite Longo and	23	laboratory or a colleague's laboratory.
24	Rigler from 2018, correct?	24	I've not had that
	Page 447		Page 449
1	A. Mm-hmm-hmm, yes.	1	opportunity. So the answer is no.
2	Q. Okay. And are you aware	2	Q. If you look at Page 7.
3	that Longo and Rigler are paid expert	3	A. Of the report?
4	witnesses who were hired by plaintiffs'		•
		4	O. Of of your report. Yes
5		4 5	Q. Of of your report. Yes please.
5 6	counsel to testify in talc litigation,	5	please.
6	counsel to testify in talc litigation, including this matter you're working on?	5 6	please. On Page 7 you say, "In 2004,
6 7	counsel to testify in talc litigation, including this matter you're working on? A. I understand I understand	5 6 7	please. On Page 7 you say, "In 2004, a television station reported that
6 7 8	counsel to testify in talc litigation, including this matter you're working on? A. I understand I understand today that they are plaintiffs'	5 6 7 8	please. On Page 7 you say, "In 2004, a television station reported that Johnson's Baby Powder had been analyzed
6 7 8 9	counsel to testify in talc litigation, including this matter you're working on? A. I understand I understand today that they are plaintiffs' witnesses, experts.	5 6 7 8 9	please. On Page 7 you say, "In 2004, a television station reported that Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at
6 7 8 9 10	counsel to testify in talc litigation, including this matter you're working on? A. I understand I understand today that they are plaintiffs' witnesses, experts. Q. Can you cite any scientific	5 6 7 8 9	please. On Page 7 you say, "In 2004, a television station reported that Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent," correct?
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6 7 8 9 10 11 12 13 14 15 16 17 18	counsel to testify in talc litigation, including this matter you're working on? A. I understand I understand today that they are plaintiffs' witnesses, experts. Q. Can you cite any scientific articles that you've authored in the past in which you cited an unpublished paper that was authored by expert witnesses hired by a party in litigation on the very topic that you're writing on? MS. O'DELL: Objection to form. THE WITNESS: I relied	5 6 7 8 9 10 11 12 13 14 15 16 17	please. On Page 7 you say, "In 2004, a television station reported that Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent," correct? A. I see that. That's in the last paragraph. The second sentence: In 2004, a television station reported Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent, yes. Q. In your previous academic research, have you ever cited to stories
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	counsel to testify in talc litigation, including this matter you're working on? A. I understand I understand today that they are plaintiffs' witnesses, experts. Q. Can you cite any scientific articles that you've authored in the past in which you cited an unpublished paper that was authored by expert witnesses hired by a party in litigation on the very topic that you're writing on? MS. O'DELL: Objection to form. THE WITNESS: I relied primarily on Longo. But it is, as I said, or as I will say, it's a	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	please. On Page 7 you say, "In 2004, a television station reported that Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent," correct? A. I see that. That's in the last paragraph. The second sentence: In 2004, a television station reported Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent, yes. Q. In your previous academic research, have you ever cited to stories run on local television stations? A. I have.
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	counsel to testify in talc litigation, including this matter you're working on? A. I understand I understand today that they are plaintiffs' witnesses, experts. Q. Can you cite any scientific articles that you've authored in the past in which you cited an unpublished paper that was authored by expert witnesses hired by a party in litigation on the very topic that you're writing on? MS. O'DELL: Objection to form. THE WITNESS: I relied primarily on Longo. But it is, as I said, or as I will say, it's a Johnson & Johnson product that they are testing, so in my	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	please. On Page 7 you say, "In 2004, a television station reported that Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent," correct? A. I see that. That's in the last paragraph. The second sentence: In 2004, a television station reported Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent, yes. Q. In your previous academic research, have you ever cited to stories run on local television stations? A. I have. Q. And is that something that you think shows scientific rigor?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	counsel to testify in talc litigation, including this matter you're working on? A. I understand I understand today that they are plaintiffs' witnesses, experts. Q. Can you cite any scientific articles that you've authored in the past in which you cited an unpublished paper that was authored by expert witnesses hired by a party in litigation on the very topic that you're writing on? MS. O'DELL: Objection to form. THE WITNESS: I relied primarily on Longo. But it is, as I said, or as I will say, it's a Johnson & Johnson product that	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	please. On Page 7 you say, "In 2004, a television station reported that Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent," correct? A. I see that. That's in the last paragraph. The second sentence: In 2004, a television station reported Johnson's Baby Powder had been analyzed and found anthophyllite asbestos at 0.2 percent, yes. Q. In your previous academic research, have you ever cited to stories run on local television stations? A. I have. Q. And is that something that

	Page 450		Page 452
1	THE WITNESS: It depends on	1	BY MR. FERGUSON:
2	the scientific paper. And it	2	Q. And that's in your report,
3	it depends on the source of the	3	correct?
4	media.	4	A. On Page 7 at the top.
5	BY MR. FERGUSON:	5	Q. Then you also cited
6	Q. If we go to Pages 6	6	Dr. Blount's paper that you and
7	A. If if I may add to that,	7	Mr. Hegarty talked about, correct?
8	my recollection is that that television	8	A. I'm sorry, can you give me a
9	station data was given to Johnson &	9	location?
10	Johnson and it was not I did not cite	10	Q. Sure. It's the second
11	television station itself, but the the	11	paragraph on Page 7.
12	document that was turned over to Johnson	12	A. Van Gosen?
13	& Johnson.	13	Q. No, the second full
14	Q. If you go to Page 6 of	14	paragraph, cosmetic and pharmaceutical
15	your	15	talc products, et cetera
16	A. Page what, I'm sorry?	16	A. Yes, deposition of Alice
17	Q. 6.	17	Blount. Yes.
18	A. 6?	18	Q. Correct.
19	Q. So on Pages 6 to 8 you cite	19	A. Sorry to interrupt.
20	documents or other sources that you claim	20	Q. And Dr. Blount's paper was
21	show the presence of asbestos in talc	21	some 30 or so years ago, correct?
22	powder, correct? You	22	A. 1991.
23	A. Pages 6 to 8?	23	Q. And and I won't go
24	Q. Yeah. Why don't you go to	24	through this in detail, but Mr. Hegarty
	Page 451		Page 453
1	the top of 7. Let me go to it	1	discussed with you the fact that U.S.
2	specifically.	2	Food and Drug Administration conducted a
3	One of the things you cite	3	survey of cosmetic grade raw material
4	to is Paoletti in 1984?	4	talc and some cosmetic products
5	A. Yes, sir.	5	containing talc. And you were generally
6	Q. Okay. And the Paoletti	6	aware of that, correct?
7	study was completed I don't know if I	7	A. The FDA report that he he
8	can do my math very well, but is that	8	pointed me to, yes.
9	36 years ago?	9	Q. Okay. You were aware but
10	A. 36, yes.	10	you didn't cite it, correct?
11	Q. And you notice they have	11	A. I was aware but I did not
12	assessed, according to your own report,	12	cite it.
13	contamination in industrial and cosmetic	13	Q. And that came from 2010 as
14	talcs, correct?	14	opposed to 1984 or 1991, correct?
15	A. 9 of the 24 pharmaceutical	15	MS. O'DELL: Objection
16	and cosmetic grade talcs contain	16	THE WITNESS: Yes
17	tremolite fibers.	17	MS. O'DELL: Excuse me.
18	Q. And they are from the	18	Objection to form.
19	Italian market, correct?	19	If you're going to ask a
20	A. From the Italian market.	20	specific about a specific date,
21	MS. O'DELL: Objection to	21	I would ask or a specific item
22	form.	22	of that in that document I
23 24	THE WITNESS: And the	23	would just ask that you show the
1 / 4	European pharmacopeia.	24	witness.

	D 454		D 456
	Page 454		Page 456
1	BY MR. FERGUSON:	1	Luzenac America, correct?
2	Q. Do you do you recall when	2	A. Correct. On the left side.
3	that survey was from?	3	Q. On the left side. And on
4	A. The FDA was 2014. I don't	4	the right side there are two columns that
5	recall a specific.	5	say percentage asbestos by PLM and
6	Q. Well, okay. Counsel's	6	percentage asbestos by TEM, correct?
7	suggested it. Why don't we go ahead and	7	A. I see that.
8	mark as Exhibit 37.	8	Q. And each of those says NAD,
9	(Document marked for	9	correct?
10	identification as Exhibit	10	A. They say NAD.
11	Zelikoff-37.)	11	Q. And from your review of
12	BY MR. FERGUSON:	12	this, do you know that NAD means no
13	Q. And is this a document that	13	asbestos detected?
14	you've reviewed before?	14	A. Yes, I do. That means that
15	A. This is a document that I	15	the measurements that they had and the
16	have reviewed, yes.	16	scientific and the sensitivities that
17	Q. Okay. If you look at Page 2	17	they were using at the given time, they
18	at the top of the page, in the second	18	did not see any, is my interpretation of
19	paragraph there, it says, "The study ran	19	that.
20	from September 28, 2009, to September 27,	20	Q. According to the paper that
21	2010," correct?	21	you said, NAD means no asbestos detected,
22	A. So I'm trying to put that	22	correct?
23	sentence into context. So I need to read	23	A. In this study, yes, correct.
24	the above sentences.	24	Q. Let's take a look. You've
	Page 455		Page 457
1		1	
1 2	I assume that the study they	1 2	cited to IARC several times during
2	I assume that the study they are talking about was the contract with	2	cited to IARC several times during your in your report, correct?
	I assume that the study they are talking about was the contract with the AMA analytical services to conduct	2 3	cited to IARC several times during your in your report, correct? A. Yes, I did.
2 3 4	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey.	2 3 4	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC
2 3	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they	2 3	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in
2 3 4 5	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear.	2 3 4 5	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36.
2 3 4 5 6	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this	2 3 4 5 6	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in
2 3 4 5 6 7	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no	2 3 4 5 6 7	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit
2 3 4 5 6 7 8	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the	2 3 4 5 6 7 8	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for
2 3 4 5 6 7 8 9	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw	2 3 4 5 6 7 8 9	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled
2 3 4 5 6 7 8 9	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product	2 3 4 5 6 7 8 9	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.)
2 3 4 5 6 7 8 9 10	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw	2 3 4 5 6 7 8 9 10	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON:
2 3 4 5 6 7 8 9 10 11 12	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct?	2 3 4 5 6 7 8 9 10 11	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct.
2 3 4 5 6 7 8 9 10 11 12 13	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc,	2 3 4 5 6 7 8 9 10 11 12 13	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided
2 3 4 5 6 7 8 9 10 11 12 13 14	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where that was stated.	2 3 4 5 6 7 8 9 10 11 12 13	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where	2 3 4 5 6 7 8 9 10 11 12 13 14 15	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct? A. You've provided me with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where that was stated. Q. If you look at Page 3? A. Yes, sir.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct? A. You've provided me with three pages.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where that was stated. Q. If you look at Page 3? A. Yes, sir. Q. See where it says at the top	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct? A. You've provided me with three pages. Q. Okay. And was that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where that was stated. Q. If you look at Page 3? A. Yes, sir. Q. See where it says at the top of the page, "Cosmetic raw material	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct? A. You've provided me with three pages.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where that was stated. Q. If you look at Page 3? A. Yes, sir. Q. See where it says at the top of the page, "Cosmetic raw material talc"?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct? A. You've provided me with three pages. Q. Okay. And was that Page 225? A. 225 starts 1.5 human
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where that was stated. Q. If you look at Page 3? A. Yes, sir. Q. See where it says at the top of the page, "Cosmetic raw material talc"? A. I see that, yes, sir.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct? A. You've provided me with three pages. Q. Okay. And was that Page 225? A. 225 starts 1.5 human exposure.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where that was stated. Q. If you look at Page 3? A. Yes, sir. Q. See where it says at the top of the page, "Cosmetic raw material talc"? A. I see that, yes, sir.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct? A. You've provided me with three pages. Q. Okay. And was that Page 225? A. 225 starts 1.5 human exposure. Q. Okay. If you look at the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	I assume that the study they are talking about was the contract with the AMA analytical services to conduct the laboratory survey. Is that the study that they are referring to? It's unclear. Q. And in your review of this document, did you read that there was no asbestos detected by the survey by the FDA in either the cosmetic grade raw material talc, or the finished product cosmetic products containing talc, correct? A. I'm trying to find where that was stated. Q. If you look at Page 3? A. Yes, sir. Q. See where it says at the top of the page, "Cosmetic raw material talc"? A. I see that, yes, sir. Q. Correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	cited to IARC several times during your in your report, correct? A. Yes, I did. Q. And let's look at the IARC monograph 100 C, which was published in 2012 that I've marked as Exhibit 36. (Document marked for identification as Exhibit Zelikoff-36.) THE WITNESS: Entitled Arsenic Metals, Fibrous and Dusts? BY MR. FERGUSON: Q. Correct. And if you I've provided you a page there, correct? A. You've provided me with three pages. Q. Okay. And was that Page 225? A. 225 starts 1.5 human exposure.

	Page 458		Page 460
1	Q. In an exposure it says,	1	A. That's what's here, yes.
2	"Inhalation and ingestion are the primary	2	Q. Okay. So certainly based on
3	routes of exposure to asbestos," correct?	3	what IARC has said, a person could inhale
4	MS. O'DELL: Objection to	4	or ingest one or more asbestos fibers
5	form.	5	from the air that they breathe, correct?
6	BY MR. FERGUSON:	6	MS. O'DELL: Objection to
7	Q. The very first sentence.	7	form.
8	A. Mm-hmm-hmm. I cannot attest	8	THE WITNESS: Based on the
9	to ingestion, but certainly inhalation is	9	measurements, I can't really tell
10	a primary.	10	where they took these, where they
11	Q. But you'd agree that that	11	took the measurements or how they
12	this is what IARC said, correct?	12	measured them, from this Page 225,
13	A. I agree that this is what's	13	but based on what they are saying
14	in IARC, yes, 2012.	14	here, they have measured in
15	Q. And then there's another	15	outdoor air and rural locations,
16	section called exposure of the general	16	10 fibers per cubic meter, yes.
17	population, correct?	17	As I said, if you look down
18	A. Yes, sir.	18	in that paragraph it also
19	Q. And in the second paragraph	19	indicates that asbestos has been
20	under that, do you see that paragraph	20	measured in the air in a disaster
21	starts in studies of asbestos	21	such as the World Trade Center, in
22	concentrations?	22	higher concentrations by
23	A. I do.	23	Dr. Longo.
24	Q. Okay. And and let's	24	BY MR. FERGUSON:
	Page 459		Page 461
1	let's read it and see if it you and I	1	Q. And then if you look at
2	agree on what it says.	2	Page 229. Are you with me?
3	"In studies of asbestos	3	A. Yes, I am.
4	concentrations in outdoor air, chrysotile	4	Q. Under B, dietary exposure.
5	is the predominant fiber detected. Low	5	A. Yes.
6	levels of asbestos have been measured in	6	Q. It says in the first
7	outdoor air in rural locations; typical	7	sentence under that paragraph heading,
8	concentration, 10 fibers per cubic meter.	8	"The general population can be exposed to
9	Typical concentrations are about tenfold	9	asbestos in drinking water," correct?
10	higher in urban locations and about 1,000	10	A. It can happen under certain
11	times in close proximity to industrial	11	conditions, yes. It says, "The general
12	sources of exposure, e.g., asbestos mine	12	population can be exposed to asbestos in
13	or factory demolition site, or improperly	13	drinking water."
14	protected asbestos-containing waste	14	Q. And then below it says about
15	site," correct?	15	nine lines down, "In the U.S.A., the
16	A. That's what's written here,	16	concentration of asbestos in most
17	yes.	17	drinking water supplies is less than one
18	Q. Okay. And if you go down to	18	fiber per milliliter even in areas with
19	the first sentence of the next paragraph,	19	asbestos deposits or with asbestos cement
20	it says, "In indoor air, for example in	20	water supply pipes." Correct?
21	homes, schools and other buildings,	21	A. That's what it says here.
22	measured concentrations of asbestos are	22	Q. And then it says, "However,
23	in the range of 30 to 6,000 fibers per	23	in some locations the concentration in
24	cubic meter," correct?	24	water may be extremely high containing 10

	Page 462		Page 464
1 to 300) million fibers per liter or even	1	(Whereupon, a discussion was
	r." Correct?	2	held off the record.)
3	MS. O'DELL: Objection to	3	THE VIDEOGRAPHER: The time
	orm.	4	is 6:46 p.m. Back on the record.
5	THE WITNESS: That's what it	5	
	ays here.	6	EXAMINATION
	IR. FERGUSON:	7	
). So	8	BY MR. HEGARTY:
9 A		9	Q. Doctor, you have done a
	king about specific locations and	10	number of studies looking at inhalation
	so saying "can." This is not a	11	of particles in animal species primarily,
	al situation. Normal this is a	12	correct?
	minated situation.	13	A. In animal species primarily,
). But as IARC said, in the	14	but also I have done studies in cell
	ne we talked about, inhalation	15	culture, yes.
	gestion can be routes of exposure	16	Q. In any of the studies where
	estos for the general population,	17	you have looked at inhalation of
18 correc		18	particles in animals, have you reported
19 A	. It can be. Can being the	19	finding those particles in the ovaries?
20 keywo	-	20	A. I did not look in the
•). I've got some more questions	21	ovaries.
	could ask. But I'm going to pass	22	Q. So have you ever evaluated
	k to Mr. Hegarty.	23	the ovaries in any study that you have
24	THE WITNESS: Hello again.	24	done?
	Page 463		Page 465
1	MR. HEGARTY: Hello again.	1	A. I have evaluated in the
2	MS. O'DELL: So are you	2	cadmium particle studies, we looked for
3 fi	nished with your questions?	3	the soluble ions, that's what we
4	MR. FERGUSON: I have other	4	measured, using atomic absorption and ICT
	uestions that I could ask. But	5	mass spec. And we did find cadmium
	m trying to share the limited	6	sorry. Sorry. We did find soluble
	me that we have.	7	cadmium ions in the in the tissue
8	MS. O'DELL: I understand.	8	in the ovaries.
9 I'	m just trying typically we	9	Q. Of what animal?
	on't go back and forth between	10	A. Mice.
	ne parties. The plaintiffs' side	11	Q. So there's nothing unique
	as had time to ask questions. So	12	with regard to talc in your opinion with
13 I	guess I'm just trying to figure	13	regard to its ability to transport within
14 o	ut what y'all are doing.	14	the body, correct?
15	MR. HEGARTY: Let's go off	15	MS. O'DELL: Object to the
	ne record real quick and have a	16	form.
	iscussion. Because what we	17	THE WITNESS: Talc is a
	lanned to do, I took the time	18	fiber and will transport as a
	nat Ken was using to organize my	19	fiber. It's also hydrophilic so
	otes and to finish up the	20	it will require some time for the
	emaining time.	21	other products within the talc
22	Go off the record.	22	molecule to be released. I am not
23	THE VIDEOGRAPHER: The time	23	sure if I answered your question.
24 is	s 6:45 p.m. Off the record.	24	BY MR. HEGARTY:

	Page 466		Page 468
1	Q. What about platy tale? Will	1	to reach it can reach the deep lung,
2	platy talc travel in the body as cadmium	2	if it's five micrometers or smaller.
3	would travel?	3	And
4	A. Cadmium is a has traveled	4	Q. Go ahead.
5	as a soluble ion. So platy talc	5	A. And in that case since it's
6	neither platy talc nor asbestos will	6	not disposed of through the mucociliary
7	travel as a soluble ion. They are	7	escalator, then it is in the other parts
8	fibers.	8	of the lung and it can reach the
9	Q. Have you done	9	capillaries. And once it gets into the
10	A. They are I'm sorry, platy	10	bloodstream, it can be transported.
11	talc is a crystal with different forms.	11	Certain particles have predilections for
12	But my understanding is that platy talc	12	where they go.
13	can fracture and also form fragments and	13	Q. When you say it can be
14	they could travel, given their size.	14	transported, does that include to the
15	Q. Could they travel as cadmium	15	ovaries?
16	has traveled in your studies, if that	16	A. Are you asking specifically
17	happens?	17	about talc or particles in general?
18	A. No, in in my studies we	18	Q. Particles in general that
19	did not measure we did not look for	19	meet the size standards that you just
20	the presence of the particle of the	20	referenced of getting into the deep lung?
21	nanoparticle in the tissues. We measured	21	A. Mm-hmm-hmm. There's no
22	for the metal in those tissues.	22	reason not to believe that it couldn't
23	So we are of the opinion	23	get into the ovaries.
24	that it was the soluble ion that was	24	Q. Did you examine, for
	Page 467		Page 469
1	released, and in this case, I know of no	1	purposes of your biological plausibility
2	studies off the top of my head that	2	opinion, all the studies looking at
3	measured how much of the other components	3	NSAIDs and use of aspirin in women with
4	were released.	4	ovarian cancer?
5	Q. Can any particle that's	5	A. I looked at several studies.
6	inhaled reach the ovary?	6	I'm sure I
7	A. If it if it meets certain	7	(Document marked for
8	size constituents. There's no reason why	8	identification as Exhibit
9	a particle could not reach the ovary or	9	Zelikoff-38.)
10	the kidney or the liver or under	10	BY MR. HEGARTY:
11	proper circumstances.	11	Q. I'm going to show you what I
12	Q. Is there a certain size	12	marked as Exhibit 38, which is a study
13	limitation?	13	that you cited by Wu 2009.
14	A. Well, something that's	14	A. Actually, it's Merritt.
15	inhaled, is that what you're talking	15	Q. I'm sorry. It's Merritt
16	about?	16	2008, correct?
17	Q. Yes.	17	A. Yes. And let me find it in
18	A. Something that's inhaled, if	18	my report.
	141-10 141-	19	Q. You cite it on Page 26.
19	it's 10 micrometers or greater, it's		
20	going to be caught in the upper airways	20	Above the italicized paragraph
20 21	going to be caught in the upper airways and probably dismissed through the	20 21	Above the italicized paragraph italicized paragraph at the bottom.
20 21 22	going to be caught in the upper airways and probably dismissed through the mucociliary escalator. If it's of a	20 21 22	Above the italicized paragraph italicized paragraph at the bottom. A. I see it. "At high
20 21	going to be caught in the upper airways and probably dismissed through the	20 21	Above the italicized paragraph italicized paragraph at the bottom.

	oddien Zeil		., FII.D.
	Page 470		Page 472
1	can damage cellular macromolecules and	1	on Page 21 of your report?
2	contribute to neoplastic transformation	2	A. Can you direct me to it?
3	and/or tumor growth. Other likely	3	Oh, I see it. Second paragraph. "Wu, et
4	manifestations of talc." That's the	4	al, 2009, performed a study to determine
5	paragraph that you're referring to.	5	the role of talc in the development of
6	Q. You do agree that a relevant	6	ovarian cancer considering the history of
7	body of literature is whether NSAIDs or	7	endometriosis."
8	aspirin have an effect on ovarian cancer	8	Q. If you look at the abstract
9	•	9	
	risk, if you're considering inflammation		of the Wu paper, about two-thirds of the
10	as a biologically plausibility mechanism.	10	way down, it reads, "Contrary to the
11	A. NSAIDs being an one type	11	hypothesis."
12	of anti-inflammatory, it could reduce	12	Do you see that start of the
13	oxidative stress, yes, to different	13	sentence?
14	degrees.	14	A. I do.
15	Q. If you look at the abstract	15	Q. "Contrary to the hypothesis
16	on the first page of the Merritt paper.	16	that risk of ovarian cancer may be
17	A. Yes.	17	reduced by use of NSAIDs, risk increased
18	Q. At the very end, they say,	18	with increasing the frequency in years of
19	"We conclude that on balance chronic	19	NSAID use," citing the relative risk, the
20	inflammation does not play a major role	20	confidence intervals. "This was
21	in the development of ovarian cancer."	21	consistent across types of incident."
22	Do you see where I'm	22	Do you see where I'm
23	reading?	23	reading?
24	A. I'm seeing the last	24	A. I do see where you're
	Page 471		Page 473
1	sentence, yes.	1	reading.
2	Q. Do you agree with that	2	Q. That finding is inconsistent
3	statement in general?	3	with inflammation as a mechanism by which
4	A. I do not agree with that	4	ovarian cancer can occur, correct?
5	statement. That's my biological	5	MS. O'DELL: Object to the
6	plausibility is associated with the	6	form.
7	oxidative stress and inflammation. Also	7	THE WITNESS: This NSAIDs
8	this paper was written in 2008.	8	are known as antioxidants. And
9	Q. Did you cite that finding	9	yes, that's true, but there are
10	that I just read anywhere in your report?	10	other antioxidants from other
11	A. I cite Merritt.	11	papers that demonstrate that it
12	Q. Do you cite for the reader	12	does indeed reduce inflammation.
13	of your report the statement that I just	13	BY MR. HEGARTY:
14	read in the abstract?	14	
15		15	Q. Well, did you cite the
	A. Not to my recollection.		finding of the Wu paper with regard to
16	(Document marked for	16	its data on NSAID use and the risk of
17	identification as Exhibit	17	ovarian cancer?
18	Zelikoff-39.)	18	A. I did have a section, to my
19	BY MR. HEGARTY:	19	recollection, on the papers of Wu and
20	Q. I'm showing you what I've	20	Merritt.
21	marked as Exhibit Number 39. That is the	21	Q. Well, in the section that I
22	Wu paper.	22	was referring to, in the middle of the
	and the second of the second o		
23 24	A. Mm-hmm-hmm.Q. You cite the Wu paper over	23 24	paragraph on Page 21, middle paragraph on Page 21, you don't cite that study's

	Page 474		Page 476
1	findings as to NSAIDs and risk of ovarian	1	proinflammatory cytokines and oxidase,
2	cancer, correct?	2	yes.
3	A. I do not cite that	3	Q. Is there any study that
4	particular sentence, no.	4	sites the clinical significance of ATF as
5	Q. Over on Page 23, you refer	5	it relates to ovarian cancer risk?
6	to the Shukla study?	6	MS. O'DELL: Object to the
7	A. Yes, sir.	7	form.
8	Q. That's second to the last	8	THE WITNESS: No study that
9	paragraph?	9	I'm currently aware of. But there
10	A. "In a molecular cell study	10	are many studies that link ATF
11	by Shukla"?	11	upregulation to inflammation and
12	Q. Yes. The strike that.	12	then inflammation to in the
13	Gene expressions like those	13	process of carcinogenesis, both
14	measured in the Shukla study occur	14	progression and initiation.
15	everyday in everyone, correct?	15	BY MR. HEGARTY:
16	MS. O'DELL: Objection to	16	Q. If you turn over to the
17	form.	17	second to the last page of your report,
18	THE WITNESS: There are	18	Page 27.
19	changes in genes per day. But	19	In Paragraph 3, you say that
20	I'm I'm not I do not know	20	exposure to talcs
21	nor do I have knowledge of whether	21	A. Excuse me, Number 3?
22	the gene for ATF3 or ATF1 is	22	Q. I called it Paragraph 3.
23	changed everyday by no exposure.	23	You can call it Number 3.
24	BY MR. HEGARTY:	24	A. It's listed as Number 3.
	Page 475		Page 477
1	Q. But the the fact of gene	1	Q. 3. You state that "exposure
2	expression is not a strike that.	2	to talcum powder products causes an
3	The fact that gene	3	inflammatory tissue reaction which may
4	expression occurs does not mean that	4	result in the following," and then you
5	cancer will occur, correct?	5	list
6	A. No. My role is to look for	6	A. Elevation.
7	biological plausibility, and when you	7	Q a number of of events
8	have a transcription factor which is so	8	that you label as A through F I'm
9	well immersed into oxidation and reactive	9	sorry, A through G carrying over to the
10	oxygen species and inflammation, and I	10	top of the next page.
11	would say that changes or upregulation of	11	A. I see that, thank you.
12	the of the ATF gene certainly is	12	Q. Can you cite for me any
13	linked with inflammation.	13	studies showing any of that activity in
14	Q. Can you cite for me any	14	women using talc on the perineum?
15	studies that have used measurements of	15	MS. O'DELL: Object to the
	level of the levels of ATF3 to assess	16	form.
16			
16 17		17	THE WITNESS: If I can
17	ovarian cancer risk?	17 18	THE WITNESS: If I can recall the Health Canada study. I
17 18	ovarian cancer risk? A. I cannot cite those studies	18	recall the Health Canada study, I
17 18 19	ovarian cancer risk? A. I cannot cite those studies to you, but again, going back to	18 19	recall the Health Canada study, I think they looked at they also
17 18 19 20	ovarian cancer risk? A. I cannot cite those studies to you, but again, going back to biological plausibility, I can tell you	18 19 20	recall the Health Canada study, I think they looked at they also included inflammatory responses
17 18 19 20 21	ovarian cancer risk? A. I cannot cite those studies to you, but again, going back to biological plausibility, I can tell you that this gene is extremely important in	18 19 20 21	recall the Health Canada study, I think they looked at they also included inflammatory responses that are seen in some of their
17 18 19 20 21 22	ovarian cancer risk? A. I cannot cite those studies to you, but again, going back to biological plausibility, I can tell you that this gene is extremely important in growth factors and proinflammatory	18 19 20 21 22	recall the Health Canada study, I think they looked at they also included inflammatory responses that are seen in some of their meta-analysis.
17 18 19 20 21	ovarian cancer risk? A. I cannot cite those studies to you, but again, going back to biological plausibility, I can tell you that this gene is extremely important in	18 19 20 21	recall the Health Canada study, I think they looked at they also included inflammatory responses that are seen in some of their

			Page 480
		_	
1	study, the Taher study, was a	1	as exhibit Exhibits 40 through
2	meta-analysis, correct?	2	48 I'm sorry, 47 the
3	A. Yes, correct.	3	notebooks that had been produced
4	Q. Can you cite for me any	4	for purposes of the deposition
5	studies reporting that reporting these	5	here today.
6	events occurring in women using talc on	6	(Documents marked for
7	the perineum?	7	identification as Exhibits
8	MS. O'DELL: Object to the	8	Zelikoff-40 through 47.)
9	form.	9	BY MR. HEGARTY:
10	THE WITNESS: If you're	10	Q. Over on Page 23, you
11	asking me if gene alterations or	11	A. Of my report?
12	mutations or the level of	12	Q. Of your report, with regard
13	apoptosis has been measured in any	13	to the Shukla study.
14	women exposed, no, I do not recall	14	I'm sorry, over on Page 26.
15	that.	15	You cite again the Shukla study. Do you
16	BY MR. HEGARTY:	16	see that where do you see where you
17	Q. Have any of the processes	17	say "nonfibrous tale at low in vitro
18	A. Excuse me. If I may add.	18	exposure concentrations caused increased
19	But inflammatory markers have been looked	19	expression of transcription factors
20	at in women with ovarian cancer and they	20	associated with the inflammatory process
21	are elevated.	21	in a time and dose dependent manner"?
22	Q. And my question, as you'll	22	A. I'm sorry, I'm not clear
23	recall, is specific to talc users,	23	on
24	correct?	24	Q. Middle of the second full
	Page 479		Page 481
1	MS. O'DELL: Objection to	1	paragraph.
2	form.	2	A. Not after the Mori
3	THE WITNESS: Talc yes,	3	citation?
4	talc products.	4	Q. Yes.
5	BY MR. HEGARTY:	5	A. "Nonfibrous tale at low in
6	Q. Can you can you cite to	6	vitro exposure concentrations caused
7	me any studies showing elevations of any	7	increased expression of transcription
8	of these processes in women using talc?	8	factors associated with the inflammatory
9	MS. O'DELL: Object to the	9	process in a time and dose dependent
10	form.	10	manner." Yes, I see that.
11	THE WITNESS: Well,	11	Q. What did you mean by say
12	neoplastic transformation and	12	by time and dose manner?
13	proliferation is clearly seen	13	A. May I see the paper?
	•		
14	in obviously if there's a	14	(Document marked for
14	in obviously if there's a variant answer, you've had	14 15	(Document marked for identification as Exhibit
	variant answer, you've had		identification as Exhibit
15	•	15	
15 16	variant answer, you've had neoplastic transformation	15 16	identification as Exhibit Zelikoff-48.)
15 16 17	variant answer, you've had neoplastic transformation proliferation. BY MR. HEGARTY:	15 16 17	identification as Exhibit Zelikoff-48.) BY MR. HEGARTY: Q. Marking as Exhibit 49 48
15 16 17 18 19	variant answer, you've had neoplastic transformation proliferation. BY MR. HEGARTY: Q. Well, my question is	15 16 17 18	identification as Exhibit Zelikoff-48.) BY MR. HEGARTY: Q. Marking as Exhibit 49 48 that paper.
15 16 17 18	variant answer, you've had neoplastic transformation proliferation. BY MR. HEGARTY:	15 16 17 18 19	identification as Exhibit Zelikoff-48.) BY MR. HEGARTY: Q. Marking as Exhibit 49 48 that paper.
15 16 17 18 19 20	variant answer, you've had neoplastic transformation proliferation. BY MR. HEGARTY: Q. Well, my question is specific to women using talc prediagnosis of ovarian cancer.	15 16 17 18 19 20	identification as Exhibit Zelikoff-48.) BY MR. HEGARTY: Q. Marking as Exhibit 49 48 that paper. A. Thank you. MR. TISI: We are at seven
15 16 17 18 19 20 21	variant answer, you've had neoplastic transformation proliferation. BY MR. HEGARTY: Q. Well, my question is specific to women using talc prediagnosis of ovarian cancer. A. I see. No, sir.	15 16 17 18 19 20 21	identification as Exhibit Zelikoff-48.) BY MR. HEGARTY: Q. Marking as Exhibit 49 48 that paper. A. Thank you.
15 16 17 18 19 20 21 22	variant answer, you've had neoplastic transformation proliferation. BY MR. HEGARTY: Q. Well, my question is specific to women using talc prediagnosis of ovarian cancer.	15 16 17 18 19 20 21 22	identification as Exhibit Zelikoff-48.) BY MR. HEGARTY: Q. Marking as Exhibit 49 48 that paper. A. Thank you. MR. TISI: We are at seven hours by the way.

1 MR. TISI: Yes, we are. 2 MS. O'DELL: We're at seven 3 hours, Mark. 4 MR. HEGARTY: Okay. Are you 5 going to instruct her not to 6 answer that question? 6 answer that question? 7 MS. O'DELL: Well, the 8 federal rules limit this 9 deposition to seven hours and 10 MR. HEGARTY: No, I 11 understand, but I also remember a 12 deposition where I think I let 12 deposition where I think I let 13 Chris go over about two or 14 three minutes. 15 MR. TISI: Yeah, but you are 16 using a whole new exhibit. 17 MS. O'DELL: You just marked 18 it 19 MR. HEGARTY: I just want to 19 MR. HEGARTY: I just want to 20 make sure that was 21 MR. TISI: Are you going to 22 suggest 23 MR. HEGARTY: No, I just 24 want to end the deposition for me 15 right here? 3 MR. TISI: That was a fact 4 witness, as you know. 4 want to end the deposition for me 16 right here? 3 MR. TISI: That was a fact 4 witness, as you know. 4 were going to if we're going 5 The Wirth and to refer 6 we're going to if we're going 7 to have this rule, we need to kind 8 of be consistent with it. 9 MR. HEGARTY: No, I' mot 10 looking to apply another rule. 10 looking to apply another rule. 11 Just tell me whether you'll let 12 her answer the question or if the 13 time because the time is up, 14 that question wall not be 15 MR. HEGARTY: No, I' mot 26 done. MR. HEGARTY: Okay. Thank 27 want to labor en-we're 4 done. 4 MR. HEGARTY: Okay. Thank 4 you. MR. HEGARTY: Jost want to 5 WR. HEGARTY: Okay. Thank 4 want to end the deposition for me 15 right here? 26 Find the exact one that I want to refer 27 to have this rule, we need to kind 28 of be consistent with it. 3 So on Page 118, in looking 3 at number of genes that were 3 significantly changed, we can see looking 3 at number of genes that were 3 significantly changed, we can see looking 3 at number of looks at I think 4 that question will not be		Page 482		Page 484
2 MS. O'DELL: We're at seven 2	1	MR. TISI: Yes, we are.	1	want to let her answer or not.
Some considering the concentration and over time the watt to end the deposition for me right here? Some can see, I'm trying to first we're done, then I will – I'm not going to instruct her not to some plant to Leigh. If we're altered and over time, that to end the deposition for me right here? Sow can see, I'm trying to find the exact one that I want to refer to have this rule, we need to kind of time of the concentration — and this is for a sbestos. If one looks at – I think is for a sbestos. If one looks at – I think is for a sbestos. If one looks at – I think is for a sbestos. If one looks at – I think is for a sbestos. If one looks at – I think is for a sbestos. If one looks at – I think is for a sbestos. If one looks at – I think is for a sbestos. If one looks at – I think is process or page in force time is up. 13				
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7 MS. O'D'ELL: Well, the 8 federal rules limit this 8 done. 9 deposition to seven hours and				
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that question will not be 14 that's it. That's what I meant.	13	time because the time is up,	13	in asbestos. If one looks at I think
i	14	that question will not be	14	that's it. That's what I meant.
15 answered. 15 MR. HEGARTY: Okay. Thank	15	answered.	15	MR. HEGARTY: Okay. Thank
16 MS. O'DELL: The time the 16 you.	16	MS. O'DELL: The time the	16	•
17 time is up. What is your what 17 MS. O'DELL: Off the record.	17		17	•
18 was your question? 18 THE VIDEOGRAPHER: The time	18	- · · · · · · · · · · · · · · · · · · ·	18	THE VIDEOGRAPHER: The time
19 MR. HEGARTY: My question 19 is 7:07 p.m. Off the record.	19	• •	19	is 7:07 p.m. Off the record.
20 was, "What do you mean where you 20 (Short break.)		* - * -	20	*
21 say time and dose dependent 21 THE VIDEOGRAPHER: We are		· · · · · · · · · · · · · · · · · · ·	21	
22 manner." But I'm not going to 22 back on the record. The time is		•	22	
23 insist on any applicable rule. 23 7:30 p.m.	•			
24 I'll let you decide whether you 24	23	moist on any applicable raic.		7.50 p.m.

122 (Pages 482 to 485)

	Page 486		Page 488
1	EXAMINATION	1	A. I relied on his report, yes.
2		2	Q. And did Dr. Crowley conclude
3	BY MS. O'DELL:	3	that the chemicals involved in the
4	Q. Dr. Zelikoff, I have a few	4	fragrances for both Johnson & Johnson's
5	follow-up questions for you.	5	Baby Powder and Shower to Shower may
6	Prior to your involvement in	6	contribute to the inflammatory response,
7	litigation, this litigation, did you hold	7	toxicity and potential carcinogenicity of
8	the opinion that inflammation causes	8	Johnson & Johnson's talcum powder
9	cancer?	9	products?
10	MR. HEGARTY: Objection to	10	MR. HEGARTY: Objection to
11	form.	11	form.
12	THE WITNESS: Yes. I held	12	THE WITNESS: Yes. I concur
13	the opinion for a very long time	13	with that whole opinion.
14	that inflammation causes cancer.	14	BY MS. O'DELL:
15	BY MS. O'DELL:	15	Q. And in fact, that's the
16	Q. And in terms of your	16	specific opinion he included in his
17	knowledge and opinion prior to your	17	report that you relied on?
18	involvement in the litigation, did you	18	A. Yes, that's correct.
19	did you have an opinion regarding the	19	MR. HEGARTY: Objection to
20	role of oxidative stress in the	20	form.
21	development of cancer?	21	BY MS. O'DELL:
22	A. Yes, I did. My opinion was	22	Q. And so if another expert was
23	that oxidative stress was closely	23	also relying on Dr. Crowley's analysis,
24	involved with the causation of cancer.	24	it wouldn't be surprising that the same
	Page 487		Page 489
1		1	
1 2	Q. So to the degree that your	1 2	wording was used?
2	Q. So to the degree that your work in this case addressed new	2	wording was used? MR. HEGARTY: Objection to
2 3	Q. So to the degree that your work in this case addressed new considerations, were those considerations	2 3	wording was used? MR. HEGARTY: Objection to form.
2 3 4	Q. So to the degree that your work in this case addressed new considerations, were those considerations primarily focused on talc and its ability	2 3 4	wording was used? MR. HEGARTY: Objection to form. THE WITNESS: Absolutely
2 3 4 5	Q. So to the degree that your work in this case addressed new considerations, were those considerations primarily focused on talc and its ability to cause inflammation and oxidative	2 3 4 5	wording was used? MR. HEGARTY: Objection to form. THE WITNESS: Absolutely not.
2 3 4 5 6	Q. So to the degree that your work in this case addressed new considerations, were those considerations primarily focused on talc and its ability to cause inflammation and oxidative stress?	2 3 4 5 6	wording was used? MR. HEGARTY: Objection to form. THE WITNESS: Absolutely not. BY MS. O'DELL:
2 3 4 5 6 7	Q. So to the degree that your work in this case addressed new considerations, were those considerations primarily focused on talc and its ability to cause inflammation and oxidative stress? MR. HEGARTY: Objection to	2 3 4 5 6 7	wording was used? MR. HEGARTY: Objection to form. THE WITNESS: Absolutely not. BY MS. O'DELL: Q. Let me ask you other
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	Page 490		Page 492
1	about whether you were an expert in areas	1	A. My numerous publications in
2	such as tale and inflammation?	2	that area of metal toxicology that I've
3	A. Yes.	3	been doing for many, many, many years.
4	Q. And I think if you recall	4	Q. And in addition to your
5	the response you answered you were not	5	training, experience, do you also make
6	classified as an expert. What did you	6	those statements based on your review of
7	mean by that?	7	the available scientific and medical
8	MR. HEGARTY: Objection to	8	literature?
9	form.	9	A. In regards to metals?
10	THE WITNESS: What I meant	10	Q. In all the environmental
11	was in terms of legal, whether	11	exposures we've just discussed?
12	one of the questions that arose	12	A. Yes. I rely on
13	was, in the past, have I been	13	literature
14	listed as an expert in other	14	Q. You were asked questions
15	cases. And so I followed that	15	A as well as my own
16	line of thought and thought that	16	scientific research.
17	we were still talking about	17	Q. Excuse me. I didn't mean to
18	litigation and formal declaration	18	cut you off, Doctor.
19	as an expert in that area.	19	You were asked questions
20	BY MS. O'DELL:	20	about whether there were any studies or
21	Q. Are you an expert in the	21	evidence that you relied on involving
22	toxicological effects of minerals on	22	Johnson's Baby Powder.
23	the on humans?	23	Do you recall that?
24	MR. HEGARTY: Objection to	24	A. I do recall that question,
	Page 491		Page 493
1	form.	1	yes.
2	THE WITNESS: I'm expert in	2	Q. And do the strike that
3	toxicology of environmental	3	and start again.
4	chemicals, including mixtures,	4	Did Dr. Saed in the testing
5	including fibers, including	5	that was done and reported in not only
6	particles, including talc.	6	the abstracts but also his manuscript,
7	BY MS. O'DELL:	7	involve Johnson's Baby Powder?
8	Q. And would that would that	8	MR. HEGARTY: Objection to
9	also include when you said fibers,	9	form.
10	would that also include asbestos and	10	THE WITNESS: Yes.
11	fibrous talc?	11	Dr. Saed's did. Thank you for
12	MR. HEGARTY: Objection to	12	reminding me.
13	form.	13	BY MS. O'DELL:
14	THE WITNESS: Yes.	14	Q. Was Dr. Longo and Rigler's
15	BY MS. O'DELL:	15	testing of historical samples of talcum
16	Q. Are you an expert in the	16	powder products produced in this
17	toxicological effects of heavy metals on	17	litigation, including Johnson's Baby
18	the humans?	18	Powder and Shower to Shower?
19	MR. HEGARTY: Objection to	19	A. Dr. Longo stated he did use
20	form.	20	products over time from Johnson & Johnson
21	THE WITNESS: Yes, I am.	21	talcum powders.
22	BY MS. O'DELL:	22	Q. And was the evidence that
23	Q. And what do you base that	23	was presented in Hopkins Exhibit 28, did
24	statement on?	24	it involve Johnson's talcum powder

	Page 494		Page 496
1	products?	1	go.
2	A. Yes, it did.	2	BY MS. O'DELL:
3	Q. Was evidence that you relied	3	Q. Did the FDA conclude in
4	on in the form of Pier Exhibit 47, did	4	Exhibit 37 that well, let me just ask
5	those also involve talc that was taken	5	the question this way.
6	from sources used to supply Johnson's	6	If you'll turn to Page 2 of
7	talcum powder products?	7	Exhibit 37, what was the FDA's conclusion
8	MR. SILVER: Objection to	8	regarding the testing that they had
9	form.	9	performed on the cosmetic powders?
10	MR. HEGARTY: Objection to	10	Doctor, I'll direct you to
11	form.	11	the second-to-the-last paragraph at the
12	THE WITNESS: Dr. Pier?	12	bottom of the page, the middle sentence.
13	BY MS. O'DELL:	13	Do you see that, "Beginning for these
14	Q. Yes.	14	reasons"?
15	A. To my recollection, yes. If	15	A. Yes, I see that.
16	you'd like, I can look at the paper and	16	Q. And what was the FDA's
17	confirm that.	17	conclusion?
18	Q. Let me ask you about	18	A. "For these reasons, while
19	Dr. Blount. You were asked previously	19	FDA finds these results informative, they
20	about her publication in 1991.	20	do not prove that most or all talc or
21	Did Dr. Blount test	21	talc-containing cosmetic products that
22	Johnson's Baby Powder?	22	are currently or currently marketed in
23	A. Yes. But again, if I looked	23	the United States are likely to be free
24	at the reference I could give you I	24	of asbestos contamination."
24		24	
_	Page 495		Page 497
1	could give you specifics.	1	Q. You were also asked a number
2	Q. Okay. And do you recall	2	of questions regarding the FDA response
3	that that did let me just ask it	3	to Dr. Epstein's letter in April of 2014,
4	this way.	4	Exhibit 33.
5	Did Dr. Blount find that	5	Do you recall those
6	there was asbestos in the Johnson's Baby	6	questions?
7	Powder samples that she tested?	7	A. I recall that questions were
8	A. Yes. To my recollection,	8	asked in this regard, yes.
9	she did, yes.	9	Q. While at this point in the
10	Q. You were asked about some	10	day, I wouldn't expect you to recall the
11	testing that had been done by the FDA on	11	specific question, but you recall those
12	certain cosmetic powders. Do you	12	general discussions?
13	remember that? It was Exhibit 37.	13	A. Yes, I do.
14	MS. O'DELL: And is that in	14	Q. All right. Let me ask you,
15	the bottom of that stack, 37?	15	if you wouldn't mind, to turn to Page 3
16	Thanks, Mark. If you'll	16	of of Exhibit 33.
17	hand those to me. I appreciate	17	And the second paragraph.
18	it.	18	A. Starting, "The survey
19	THE WITNESS: Sorry. My	19	found"?
20	microphone.	20	Q. Yes. Yes, ma'am.
21	MS. O'DELL: Oh, did it come	21	And as of April 2014, was it
22	off?	22	the FDA's conclusion that their testing
23	THE VIDEOGRAPHER: Raise it	23	results did not prove that
24	up as high as possible. There you	24	talc-containing cosmetic powders

	Page 498		Page 500
1	currently marketed in the U.S. are free	1	causing ovarian cancer?
2	of asbestos contamination?	2	MR. HEGARTY: Objection to
3	MR. HEGARTY: Objection to	3	form.
4	form.	4	THE WITNESS: They are
5	THE WITNESS: Yes. I can	5	consistent with my opinion, yes.
6	read the sentence, "While FDA	6	BY MS. O'DELL:
7	found this data informative, the	7	Q. Let me ask you if you would,
8	results were limited by the fact	8	Doctor, to I'll do it for you.
9	that only four suppliers submitted	9	Because it was marked here.
10	samples and the number of products	10	I'm going to hand to you the
11	used. They do not prove that all	11	Health Canada draft screening assessment
12	talc containing cosmetic products	12	that was marked previously as Exhibit 9.
13	currently marketed in the United	13	A. I see it.
14	States are free of asbestos	14	Q. And let me ask you if you
15	contamination."	15	would please, Doctor, first, did you
16	BY MS. O'DELL:	16	submit your report in this case prior to
17	Q. Okay. While we are on this	17	Health Canada issuing the draft causal
18	Exhibit 33, Doctor, if you'll turn to	18	assessment?
19	Page 5 of the exhibit. About two-thirds	19	A. I submitted my my final
20	of the way down, the paragraph beginning,	20	report November 15th or 16th. I'm not
21	"While."	21	quite clear on the date. And received
22	A. "While there exists no	22	this or saw it for the first time in
23	direct proof"?	23	January. So it did not go into my it
24	Q. Yes. And would you mind	24	was not cited in my report and was not
	Page 499		Page 501
1	reading, you know, the the those	1	reviewed for my report.
2	first two sentences of that paragraph,	2	Q. And by virtue of the fact
3	please?	3	that came out after your report, did
4	A. "While there exists no	4	did the health strike that and start
5	direct proof of talc and ovarian	5	again.
6	carcinogenesis, the potential for	6	Did the Health Canada
7	particulates to migrate from the	7	assessment inform your opinions in this
8	peritoneum" "the perineum and vagina	8	case?
9	to the peritoneal cavity is	9	A. It it could not have
10	indisputable."	10	informed my opinion that's written out in
11	Q. And then if you'll read the	11	the report. It was compelling evidence
12	next sentence?	12	that helped support the opinion that I
13	A. "It is, therefore, plausible	13	came to.
14	that perineal talc and other particulate	14	Q. Did it confirm your
15	that reaches the endometrial cavity, the	15	opinions?
16	fallopian tubes and ovaries and the	16	MR. HEGARTY: Objection to
17	peritoneum may elicit a foreign body-type	17	form.
18	reaction and an inflammatory response	18	THE WITNESS: Yes. It
19	that in some exposed women may progress	19	confirmed my opinions on many
20	to epithelial cancers."	20	lines, including methodology.
21	Q. And are those statements	21	BY MS. O'DELL:
22	written by the FDA consistent with your	22	Q. If you'll look at Page 18 of
23	opinions regarding the biologic	23	the assessment.
24	plausibility of talcum powder products	24	A. Yes. I see it.

	Page 502		Page 504
1	Q. And looking at the	1	mechanism for the cause of cancer?
2	literature that is cited in this section,	2	MR. HEGARTY: Objection to
3	did you cite in support of your opinions	3	form.
4	Keskin 2009?	4	THE WITNESS: Biological
5	A. Keskin 2009, yes.	5	plausibility.
6	Q. And did you of course we	6	BY MS. O'DELL:
7	talked about it before. You cited	7	Q. They let me ask a better
8	Penninkilampi 2018?	8	question. Did they did they discuss
9	A. Yes, I did.	9	chronic inflammation, inflammation as a
10	Q. And did you cite other	10	biologically plausible mechanism for the
11	references included in the mode of action	11	development of ovarian cancer?
12	discussion that was undertaken by Health	12	A. Yes, they did.
13	Canada on Pages 18, 19 and, you know, 20	13	Q. Did they discuss the role of
14	of the Health Canada assessment?	14	reactive oxygen species as part of the
15	A. Yes, I did. Do you want me	15	biologically plausible mechanism of talc
16	to tell you which ones?	16	in the development of ovarian cancer?
17	Q. Just give us a few. Just	17	MR. HEGARTY: Objection to
18	give us a few.	18	form.
19	A. Henderson 1971. These are	19	THE WITNESS: Oxidative
20	the ones that come to mind readily.	20	stress, yes. Yeah. React ROS.
21	Edelstam 1997. Egli and Newton 1961. De	21	Oxidative stress.
22	Boer in 1972. Venter and Iturralde,	22	May I give the statement?
23	1979. Heller 1996. Cramer in 2007.	23	BY MS. O'DELL:
24	Would you like me to go on?	24	Q. Yes.
	Page 503		Page 505
1	Q. So it's fair to say that		
	Q. 20 100 1mil 00 0mj ulime	1	A. With respect to talc,
2	many of the references that you read,	2	specifically local chronic irritation
3	many of the references that you read, reviewed, relied on in your report are	2 3	specifically local chronic irritation leading to inflammatory response is one
3 4	many of the references that you read, reviewed, relied on in your report are some of the same studies that Health	2 3 4	specifically local chronic irritation leading to inflammatory response is one possible mechanism of tumor progression
3 4 5	many of the references that you read, reviewed, relied on in your report are some of the same studies that Health Canada relied on in their causal	2 3 4 5	specifically local chronic irritation leading to inflammatory response is one possible mechanism of tumor progression that is frequently hypothesized.
3 4 5 6	many of the references that you read, reviewed, relied on in your report are some of the same studies that Health Canada relied on in their causal assessment?	2 3 4 5 6	specifically local chronic irritation leading to inflammatory response is one possible mechanism of tumor progression that is frequently hypothesized. Q. And that's consistent with
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	Page 506		Page 508
1	case?	1	Q. Counsel directed your
2	A. Yes, they do.	2	attention to the sentence counsel for
3	MR. HEGARTY: Objection to	3	Johnson & Johnson direct directed
4	form.	4	your attention to the sentence near the
5	THE WITNESS: And	5	bottom of the left column.
6	BY MS. O'DELL:	6	A. An important finding of this
7	Q. Excuse me.	7	study is that talc use?
8	A. They include Hamilton et	8	Q. Yeah, the the potential
9	al., 1984. Keskin 2009. Hamilton 1984	9	mechanism by which genital talc is
10	again. Keskin again.	10	associated with an increased risk of
11	Q. Okay. And if you'll turn to	11	ovarian cancer
12	Page 21. You'll see at the top of the	12	A. I'm sorry. Again,
13	page, they have a section on biologic	13	discussion on the left side?
14	plausibility.	14	Q. Yes. At the bottom of the
15	A. Yes, they do.	15	first paragraph, the last sentence.
16	Q. Is is their discussion of	16	A. Okay. I'm sorry.
17	biological plausibility as outlined on	17	"Potential mechanism by which general
18	Page 21 consistent with your opinions in	18	talc associated with an increased risk of
19	this case?	19	ovarian cancer hence remains unclear."
20	MR. HEGARTY: Objection to	20	Q. And Johnson & Johnson's
21	form.	21	counsel asked you about that sentence.
22	THE WITNESS: Definitely	22	A. Yes, they did.
23	consistent. Particles of talc are	23	Q. But they didn't ask you
24	hypothesized to migrate into the	24	about other sentences in this this
	Page 507		Page 509
1	pelvis and ovarian tissue causing	1	paper, fair?
2	irritation and inflammation. And	2	A. That's fair.
3	the presence of talc in the	3	Q. So if you'll look to the
4	ovaries as I discussed previously	4	right column on Page 45. Do you see the
5	has been documented by Heller in	5	sentence beginning "if chronic
6	1996.	6	inflammation"?
7	BY MS. O'DELL:	7	A. I do. "If chronic
8	Q. Great. Thank you.	8	inflammation due to ascending foreign
9	Doctor, you were also asked	9	bodies is indeed the mechanism by which
10	some questions about the Penninkilampi	10	talc use is associated with increased
11	paper.	11	ovarian cancer risks, then the results
12	Do you recall those?	12	fit the picture."
13	A. I do recall being asked,	13	Q. Is is that statement that
14	yeah, from that.	14	the authors of the Penninkilampi study
15	Q. Potentially the most	15	included in their report, excuse me, in
16	difficult name to pronounce in the	16	their article, is that consistent with
17	litigation.	17	your opinions in this case?
18	The Penninkilampi paper	18	A. It is consistent.
19	was was marked as Exhibit 34. Do you	19	Q. And does it confirm the
20	recall that?	20	opinions that you reached in this case?
21	A. I see, I see it here. Yes.	21	A. It acts to confirm, yes, it
22	Q. And if I can ask you to turn	22	does.
23	to Page 45. A. I see Page 45.	23 24	Q. Okay. You were asked about a number of questions about
24		/ /	about a number of augustions about

asbestos and the specific amount of asbestos that would be introduced with the perineal application of of talc. A. Yes Q. And let me ask you A I recall. Q. You recall those questions? A. Yes, I do. Q. Is there any safe level of asbestos A. MR. HEGARTY: Objection to form. BY MS. O'DELL: A. My opinion and conclusion is no. Q. Is asbestos a known potent C. Excuse me. Please go ahead. C. Excuse me. Please go ahead. C. A. It is, yes, a known C. Is asbestos in talcum-based C. Is asbestos in talc	
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0.2	
23 carcinogen, and it's extremely potent. 23 biologically plausible mechanism for	
24 If you look at the effects that it causes 24 increased lung disease' and that he	
Page 511 Page	513
1 and at the dose levels that it causes 1 suspected that it would also have a	
2 these effects. 2 similar mechanism of disease in other	
3 Q. And of course IARC has 3 tissues and organs."	
4 A. IARC has classified it as a 4 Q. And you were asked a number	
5 Class 1A. 5 of questions about the different	
6 Q. And did you review and rely 6 constituents of talcum powder products.	
7 on IARC's conclusion regarding asbestos? 7 A. Yes.	
8 A. I did. 8 Q. If talcum powder products	
9 Q. Excuse me. And its 9 did not contain asbestos, would that	
10 contribution to the to the development 10 change your opinion about the biological	
11 of ovarian cancer? 11 plausible mechanism of that explains 12 A. Yes, I did. 12 talc talc-based products causing	
5	
13 Q. Did you review and rely on 13 ovarian cancer? 14 IARC's conclusions regarding fibrous talc 14 A. No, it would not.	
15 or talc in an asbestiform habit regarding 15 Q. You were asked questions	
16 its ability to cause ovarian cancer? 16 about a Dr. Neel from NYU.	
17 MR. HEGARTY: Objection to 17 A. The NYU Cancer Center.	
18 form. 18 Q. And you were asked if you	
19 THE WITNESS: I did. 19 knew Dr. Neel.	
20 BY MS. O'DELL: 20 A. Yes, I recall the question.	
21 Q. If you'll turn to Page 6 in 21 Q. And what's your	
22 your report. 22 understanding of Dr. Neel's position?	
23 A. Yes, I see it. 23 A. My understanding is that he	
Q. Did you did you cite the 24 is the chair he may not be called the	

	Page 514		Page 516
1	chair but he is the director of the	1	form.
2	cancer center for NYU Langone Health and	2	THE WITNESS: Could you
3	NYU Medical School. It morphs into	3	clarify that question?
4	different names.	4	BY MS. O'DELL:
5	Q. And in regard to the	5	Q. Yeah. It was a bad
6	toxicity of talcum powder products and	6	question. I'm sorry. I'm getting tired.
7	its effects, toxicological effects,	7	A. If you're asking would
8	would would you be more knowledgeable	8	you like to ask rephrase it, or should
9	about those particular effects than a	9	I give you my thought of what you were
10	clinician who diagnoses and treats	10	trying to ask?
11	ovarian cancer?	11	Q. Well, why don't you
12	MR. HEGARTY: Objection to	12	interpret my question, and I'll follow
13	form.	13	up.
14	BY MS. O'DELL:	14	A. If you're asking me if
15	Q. Like Dr. Neel?	15	nickel was a component of the non-fibrous
16	A. I'm a toxicologist, and so	16	talc, then was nickel also in place when
17	my main area of focus and understanding	17	it was treated, when the cells were
18	and literature has to do with toxicology,	18	treated?
19	toxicological mechanisms, toxicological	19	Q. That's correct.
20	effects.	20	A. Yes, if nickel was in the
21	Q. So	21	non-fibrous talc then, yes, it was also
22	A. So my knowledge base in	22	there when the cells were being exposed.
23	those areas would I would suspect very	23	Q. And so and that would be
24	strongly would exceed that of Dr. Neel's,	24	true of chromium and cobalt?
	Page 515		Page 517
1	who is a clinician.	1	A. Yes.
2	Q. You were asked some	2	Q. And so, the results from the
3	questions about the Shukla paper.	3	Shukla study would have bearing on the
4	A. Yes.	4	effect of those heavy metals if contained
5	Q. And and the Shukla paper	5	in talcum powder?
6	involved the use of talcum powder?	6	MR. HEGARTY: Objection to
7	A. Yes.	7	form.
8	Q. And if the	8	THE WITNESS: Yes, if they
9	A. Do you recall what exhibit	9	were yes, as constituents, they
10	that was?	10	would I would imagine and know
11	Q. I think it was the last	11	that they would play they could
12	exhibit.	12	be playing a role in the
13	A. May I have a copy?	13	toxicity the cell toxicity or
14	Q. 48. And did the Shukla	14	the gene expression changes that
15	study involve the testing of, or the use	15	were observed.
16	of talcum powder?	16	BY MS. O'DELL:
17	A. Yes. As they call it,	17	Q. Thank you. And in regard to
18	non-fibrous talc.	18	your opinions related to cobalt,
19	Q. And if the talcum powder	19	chromium, and nickel, you were asked a
20	used in the Shukla study contained	20	number of questions about whether there
21	nickel, that would be the data that	21	were any human studies measuring the
22	was reported in that study would be	22	effect of of nickel at in the
23	relevant for the effects of nickel, fair?	23	ovary. Do you recall that?
24	MR. HEGARTY: Objection to	24	A. I recall that question

	Page 518		Page 520
1	those questions.	1	IRBs.
2	Q. Would it be possible to	2	Q. Okay. You looked at, as I
3	design a study in humans where nickel was	3	understand it, for your purposes of your
4	deposited at their ovary to see if a	4	task in this case, you looked at the
5	female would develop ovarian cancer?	5	issue of biologic plausibility for
6	A. I think I answered and said	6	perineal talc use and ovarian cancer.
7	that would be ridiculous in the sense	7	A. Yes, I did.
8	that this would be totally unethical to	8	Q. Did you did you was
9	take a known carcinogen or a classified	9	that inquiry focused on epithelial
10	1A carcinogen and use it for experimental	10	ovarian cancer in particular?
11	studies in humans by placing it in the	11	A. It it was most, if not
12	perineal or anywhere within the body	12	all the studies I looked at in animals
13	intentionally.	13	and were associated with epithelial
14	Q. And would that also be true	14	ovarian cancer.
15	for similar reasons for cobalt and	15	Some studies in humans did
16	chromium?	16	look did break out the differences.
17	A. Yes.	17	Q. Let me ask you if you
18	Q. Would the same also be true	18	wouldn't mind, to turn to Page 8 of your
19	of designing a study that applied	19	report. And you'll look at the top of
20	asbestos to a female's ovary for purposes	20	the page. In the first full paragraph,
21	of seeing if she developed cancer?	21	middle of the that paragraph discusses
22	A. I'm smiling because it holds	22	Dr. Longo and Rigler's recent report that
23	true for any any known or suspected	23	reports that talcum powder products
24	carcinogen cannot be used intentionally	24	manufactured by Johnson's Baby Powder and
	Page 519		Page 521
1	on a human being for testing. It's	1	Shower to Shower have contained and
2	unethical, and would probably in all	2	continue to contain asbestos. Do you see
3	likelihood not be approved by the	3	that sentence?
4	institutional review board of academic	4	A. Yes, I do.
5	institutions or any reputable scientists.	5	Q. And then it goes on, you go
6	Q. Would that be true of	6	on to report his results from test of
7	fibrous talc?	7	samples manufactured from the 1960s and
8	MR. HEGARTY: Objection to	8	1990s.
9	form.	9	A. Through through the
10	BY MS. O'DELL:	10	1990s.
11	Q. You may answer.	11	Q. Through the 1990s, that's
12	A. That would be true of	12	correct.
13	fibrous talc.	13	And you you have a
14	Q. Would it be true of platy	14	footnote here to Footnote 7?
15	talc, if there is such a thing as pure	15	A. Yes.
16	platy talc?	16	Q. And Dr. Longo and Rigler's
17	A. If there is a if there is	17	report is noted in the footnote and it's
18	any suspicion that any product, including	18	dated November 14, 2018.
19	platy talc, might be involved in	19	A. Yes.
20	producing inflammation or any other type	20	Q. Do you see that?
21	of adverse health effect, then it would	21	A. Yes.
22	be very unethical to go ahead and	22	Q. And just, did you have in
23 24	intentionally use that in a human study, in my opinion, and in the opinion of most	23 24	your possession and review Dr. Rigler and Longo's November 14, 2018, report during

	Page 522		Page 524
1	the completion of your own report?	1	that Ms. O'Dell asked you.
2	A. I had it available prior to	2	First of all, you were
3	the submission of my final report, yes.	3	referred to Page 12 of your report
4	The only thing I did not	4	under under Section C, Fragrances.
5	have was the December 2018 supplement.	5	Would you go to that portion of your
6	Q. His most recent supplement?	6	report please?
7	A. His most recent supplement,	7	A. I will, thank you. Yes.
8	yes.	8	I'm here.
9	Q. I think just to be clear,	9	Q. You were asked about this
10	that was his most recent supplemental	10	part of your report being identical to
11	report you're referring to, was that the	11	the same part of Smith-Bindman's report.
12	report dated in January, I think 16th or	12	Do you recall being asked those
13	15th of this month?	13	questions?
14	A. It was sometime in January.	14	MS. O'DELL: Object to the
15	Q. Okay.	15	form.
16	A. Yes. I could answer that	16	THE WITNESS: Smith
17	question specifically if I saw the	17	Smith-Bindman report? I'm sorry,
18	exhibit.	18	I don't recall oh, in the
19	Q. And I've handed you what's	19	beginning of the deposition?
20	been marked I think as Exhibit	20	BY MR. HEGARTY:
21	A. 3.	21	Q. Yes.
22	Q. 3. And is Exhibit 3 the	22	A. Okay. That was a long time
23	supplemental report	23	ago.
24	A. Yes, it is.	24	Q. First of all, are you aware
	Page 523		Page 525
1		1	that Dr. Crowley has been deposed in this
1 2	Q that you reviewed recently?	2	litigation?
3	A. I'm sorry, yes.	3	A. Yes.
4	Q. And what's the date on the	4	Q. Did you read his deposition?
5	report?	5	A. I did.
6	A. January 15, 2019.	6	Q. When did you read his
7	MS. O'DELL: Okay. I have	7	deposition?
8	nothing further, Doctor. Thank	8	A. I'm sorry, I don't recall
9	You.	9	the exact date.
10	MR. HEGARTY: Take a break.	10	May I see Dr. Crowley's
11	I need to use the restroom.	11	deposition?
12	THE VIDEOGRAPHER: The time	12	Q. Well, I just asked you if
13	is 8:10 p.m. Going off the	13	you had read it. That's my only
14	record.	14	question.
15	(Short break.)	15	Other than Dr. Crowley's
16	THE VIDEOGRAPHER: We are	16	deposition, have you read the depositions
17	back on the record. The time is	17	of any other plaintiffs' experts deposed
18	8:16 p.m.	18	in the MDL, this litigation?
19		19	A. Any of the other plaintiffs'
20	EXAMINATION	20	depositions?
21		21	Q. Correct.
22	BY MR. HEGARTY:	22	A. Dr. Dydek.
		23	•
23	O. Dr. Zelikoff, I have some	43	O. Allybody else?
23 24	Q. Dr. Zelikoff, I have some questions in follow-up to the questions	24	Q. Anybody else?A. I'm looking to see the

	Page 526		Page 528
1	others.	1	Q. Page 12.
2	Q. It's at the end of Exhibit	2	A. "There are more than 150
3	B.	3	different chemicals"?
4	A. Okay. Thank you. Thank	4	Q. Those four sentences, or
5	you.	5	three or strike that.
6		6	The second sentence in that
7		7	
	ask a different question. Let me ask	8	section is not in Dr. Crowley's report.
8	whether you have reviewed the MDL		He did not write, "I reviewed the expert
9	depositions; that is, the depositions	9	report of Dr. Michael Crowley that
10	that plaintiffs' experts have taken in	10	concludes that some of these chemicals
11	this litigation over their expert reports	11	may contribute to the inflammatory
12	besides Dr. Crowley?	12	response, toxicity, and potential
13	MS. O'DELL: Object to form.	13	toxicity of Johnson & Johnson's talcum
14	THE WITNESS: Dr. Longo.	14	powder products."
15	Sorry.	15	MS. O'DELL: Objection.
16	BY MR. HEGARTY:	16	BY MR. HEGARTY:
17	Q. Dr. Longo has not yet been	17	Q. That sentence is not in
18	deposed in	18	Dr. Crowley's report?
19	A. I read his report.	19	MS. O'DELL: Objection.
20	Q for his MDL report.	20	THE WITNESS: I'm terribly
21	No, I'm talking about the	21	sorry. I'm going to silence that
22	deposition	22	or we can and talk over it.
23	A. I'm sorry.	23	MS. O'DELL: Go ahead and
24	Q of an expert who has	24	silence it.
	Page 527		Page 529
1	been who is being deposed about their	1	(Brief interruption.)
2	report in the MDL.	2	MR. HEGARTY: Let's go off
3	You said Dr. Crowley. Have	3	the record.
4	you read anyone else's deposition that	4	THE VIDEOGRAPHER: The time
5	have discussed their report in the MDL?	5	is 8:21 p.m. Off the record.
6	MS. O'DELL: I think there	6	(Whereupon, a discussion was
7	may be some confusion between	7	held off the record.)
8	report and deposition.	8	THE VIDEOGRAPHER: The time
9	THE WITNESS: Yes. There	9	is 8:21 p.m. Back on the record.
10	was.	10	BY MR. HEGARTY:
11	BY MR. HEGARTY:	11	Q. The second sentence under
12	Q. Did you read Dr. Crowley's	12	your section fragrances is nowhere in
13	deposition over his report?	13	Dr. Crowley's report?
14	A. I read Dr. Crowley's report.	14	A. That
15	I'm sorry. I stand corrected.	15	MS. O'DELL: Objection to
16	Q. Dr. Crowley's report does	16	form.
17	· · · · · · · · · · · · · · · · · · ·	17	THE WITNESS: That sentence
	not contain the sentences that you've	18	is not there, but I concluded that
18	included under your Section C,		•
19	fragrances, correct?	19	when he talked about the
20	MS. O'DELL: Object to the	20	fragrances, I concluded that I
21	form.	21	inferred from his from his
22	THE WITNESS: What page are	22	report, that these chemicals do
23	we going back to, please? BY MR. HEGARTY:	23	contribute to the inflammatory
24		24	response, toxicity and potential

	Page 530		Page 532
-			
1	carcinogenicity.	1	BY MR. HEGARTY:
2	BY MR. HEGARTY:	2	Q. Doctor, you
3	Q. The sentence, "I concur with	3	A that included talc.
4	his opinion," is not in Dr. Crowley's	4	Q. Doctor, you testified
5	report, is it?	5	earlier in this deposition that your
6	A. No. That was my opinion.	6 7	information as it relates to talc and
7	Q. That same opinion, stated		ovarian cancer came from the media and
8	exactly the same way, is in the	8	discussion with colleagues, correct?
9	Dr. Smith-Bindman report, correct?	9	A. Prior to being contacted.
10	A. Can I see that report?	10 11	Q. Right. So prior to being
11 12	Q. Do you recall without	12	contacted for counsel for plaintiffs, you
	looking at it, that that same section is	13	had no expertise in talc and ovarian
13	in her report?		cancer, correct?
14	A. I do not. I do not recall.	14	A. As a toxicologist I'm
15	Q. Okay. Did you do you	15 16	sorry. I'm getting hung up on the word
16	know have you ever spoken to	17	"expert" as you're using it. As a
17	Dr. Smith-Bindman?	18	toxicologist, I am familiar with talc. I
18	A. Not at all.		am familiar with much of the toxicity of
19	Q. Do you know who she is?	19 20	it. But the primary in discussing
20	A. I don't.		talc and its relationship to cancer, it
21 22	Q. Do you know her expertise?	21 22	was through colleagues and the media,
	A. I do not.	23	yes, correct.
23 24	Q. Have you ever heard her name	24	Q. You had not studied, prior
24	before today?	24	to being contacted by plaintiffs'
	Page 531		Page 533
1	A. Not not to my knowledge.	1	counsel, any issues reported in the
2	But I would like to see to refresh my	2	medical literature with regard to talc
3	memory, if it's available.	3	and ovarian cancer, correct?
4	Q. You were asked about your	4	A. I have not studied in my
5	expertise as it relates to talc and	5	laboratory, that's correct.
6	inflammation. Before you were contacted	6	Q. You also did not review any
7	by Ms. Emmel, you had no expertise in	7	literature discussing talc and ovarian
8	talc, correct?	8	cancer prior to being contacted by
9	MS. O'DELL: Objection to	9	counsel for plaintiff?
10	form.	10	A. That is correct.
11	THE WITNESS: I performed no	11	Q. Prior to being contacted by
12	scientific studies in it.	12	counsel for plaintiffs you had not
13	BY MR. HEGARTY:	13	studied the toxicology toxic aspects,
14	Q. You also reviewed no	14	if any, of talc, correct?
15	scientific studies concerning talc,	15	MS. O'DELL: Object to the
16	correct?	16	form.
17	MS. O'DELL: Objection to	17	THE WITNESS: I have as I
18	form.	18	stated, I have reviewed papers
19	THE WITNESS: I have	19	that have looked at it. And I've
20	reviewed papers. I am editor and	20	reviewed them for acceptance into
21	associate editor on an editorial	21	journals.
22	board so that in my past	22	BY MR. HEGARTY:
23	experience, I likely reviewed	23	Q. Can you cite for us today
24	papers	24	any such papers?

	Page 534		Page 536
1	A. Over my career, I cannot.	1	nickel?
2	Sorry.	2	A. Yes.
3	Q. Can you identify any study	3	Q. What published article have
4	you have published that investigated or	4	you have you written discussing the
5	discussed the toxicity of cobalt?	5	toxicity of nickel?
6	A. I've written review articles	6	A. One that comes to my mind,
7	on the toxicology of metals in general	7	without looking at my CV, is an early
8	and cobalt was in there, and in book	8	publication associated with the
9	chapters.	9	immunology and immunotoxicity of nickel
10	Q. But it's your testimony that	10	in fish.
11	you have written review papers where you	11	Q. What nickel was it a
12	discussed the toxicity of cobalt?	12	nickel compound?
13	A. I did not say review papers.	13	A. It was a nickel chloride, a
14	I said book chapters.	14	soluble nickel compound.
15	Q. So you had written a book	15	Q. Are nickel compounds in
16	chapter to discuss the toxicity of	16	Johnson's Baby Powder?
17	cobalt?	17	A. Nickel according to the
18	MS. O'DELL: Objection to	18	J&J documents and other other internal
19	form.	19	documents, yes.
20	THE WITNESS: I was an	20	Q. Okay. What nickel compounds
21	editor of a book, several books	21	are in Johnson's Baby Powder?
22	two books actually, which looked	22	A. The report indicates nickel.
23	at the toxicity of cobalt	23	It does not break it down to a particular
24	looked at the toxicity of metals.	24	salt or a particular compound of nickel.
	Page 535		Page 537
1	And cobalt, to my recollection,	1	Q. Have you written any papers
2	was in both of those books.	2	looking at the toxicity of chromium-3?
3	BY MR. HEGARTY:	3	A. I'm going to look in my
4	Q. Did you write those	4	in my CV.
5	chapters?	5	Q. Well, without looking at
6	A. I reviewed those chapters	6	your CV, for purposes of time, can you
7	for publication in those books.	7	recall any such article?
8	Q. My question was did you	8	MS. O'DELL: If you need to
9	write those chapters?	9	take a moment, Doctor, feel free
10	A. I'm sorry. Did I write	10	to.
11	those chapters on cobalt? No, I did not.	11	MR. HEGARTY: We'll go off
12	Q. Have you ever written any	12	the record if she needs to take a
13	published chapter or article discussing	13	moment.
14	the toxicity of cobalt?	14	BY MR. HEGARTY:
15	A. I have not	15	Q. Because I qualified my
16	MS. O'DELL: Objection.	16	question by asking you, without looking
17	THE WITNESS: written an	17	at your CV, are you able to cite an
18	article in the area of cobalt, but	18	article that you've written?
19	I am familiar with metals, very	19	*
20	•	20	A. I want to give actual data
21	much so from the department and the research that I do.	21	to you. In my mind, I recall a paper that I wrote with Dr. Max Costa on
22	BY MR. HEGARTY:	22	
23		23	chromium. And and possibly with Toby
	Q. Have you written any published article discussing toxicity of	24	Rossman. But without looking, I can't be absolutely sure.
24		. 4	

	Page 538		Page 540
1 O. You re	efer over on pages	1	the statements that you were asked about
2 or on Page 25 of	1 0	2	by plaintiffs' counsel in your expert
3 A. Yes.	7 F	3	report, correct?
4 Q to		4	MS. O'DELL: Object to form.
	nduced inflammation.	5	THE WITNESS: Not without
	et me finish my	6	checking my document, I can't
7 question.	,	7	answer conclusively.
•	n sorry.	8	BY MR. HEGARTY:
*	efer over on Page 25 in	9	Q. You did not rely on this
_	raph to an abstract and	10	portion of the FDA's letter for purposes
	y Dr. Harper and	11	of your opinions in this case, correct?
12 Dr. Saed, correct		12	MS. O'DELL: Regarding the
	n the last in the	13	asbestos testing?
14 last paragraph, i	n the last sentence.	14	BY MR. HEGARTY:
	one of those	15	Q. The portion that I just
_	er to testing using	16	referred you to, the top two paragraphs
	Powder, correct?	17	at Page 3.
18 MS. O'I	DELL: Objection to	18	A. They do not prove that all
19 form.	-	19	talc-containing cosmetic products
20 THE W	ITNESS: To my	20	currently marketed in the United States
21 knowledge,	no, but I would have to	21	are free of asbestos. Is that
look at the	paper to be absolutely	22	Q. Yes.
23 sure. But the	ney did use talc,	23	A. Okay. And the question was?
yes talcur	n powder.	24	Q. You did not refer to that
	Page 539		Page 541
1 BY MR. HEGA	RTY:	1	statement in your report, correct?
2 Q. Can yo	ou cite for me any	2	A. That is correct, yes.
3 animal or cell st	udies that you reviewed	3	Q. Also you did not cite on
	preparing your report	4	Page 5 in your report the statement that
5 that tested Johns	son's Baby Powder other	5	"it is, therefore, plausible that
	recent manuscript?	6	perineal talc and other particulate that
7 A. I know	I have, I just can't	7	reaches the endometrial cavity, et
8 recall.		8	cetera, may elicit foreign body-type
	talking about	9	reaction and inflammatory response that
10 publications, co		10	in some exposed women may progress to
_	That you've cited in	11	epithelial cancers."
12 your report.		12	You did not cite that
	find it at the	13	sentence in your report either, correct?
I	ould have to say no.	14	A. I did not
_	ou find Exhibit 33, the	15	MS. O'DELL: Objection to
_	letter to Dr. Epstein.	16	form.
17 A. Thank		17	THE WITNESS: I did not cite
=	ere referred to Page 3	18	that sentence in my report either.
	ent with regard to its	19	However, this document was in
	es of cosmetic grade raw	20	my in my citations in the
	l cosmetic products for	21	overall reliance reliance
22 asbestos?	a: a	22	document.
23 A. Yes, I		23	BY MR. HEGARTY:
Q. You di	d not refer to any of	24	Q. With regard to the draft

	Page 542		Page 544
1	screening assessment by Canada, Canada	1	"The specific mechanisms and
2	employs a precautionary principle. Are	2	cascade of molecular events by which talc
3	you aware of that?	3	might cause ovarian cancer have not been
4	A. Yes.	4	identified."
5	Q. Do you know what a	5	MS. O'DELL: Wait. Do you
6	precautionary principle is?	6	mind showing Dr. Zelikoff?
7	A. I do know what a	7	MR. HEGARTY: Well, then I
8	precaution	8	won't have I'm just reading
9	Q. What is it?	9	this statement.
10	A. A precautionary principle is	10	MS. O'DELL: Well, but if
11	one where you in my in my opinion	11	you're reading from the draft
12	and what to my knowledge, it's a	12	assessment
13	principle in which you use every	13	MR. HEGARTY: You know what,
14	precaution in terms of assessment, in	14	I this is the only copy I have.
15	terms of use in animal models and human	15	If you want to hand me your copy.
16	models. You follow precaution.	16	MR. TISI: I have my copy.
17	Q. Okay. The draft screenings	17	It has my notes on it. If you
18	assessment, Exhibit Number 9, contains	18	Do you want it?
19	the following statement and I only	19	MS. O'DELL: You're welcome
20	I only have your copy.	20	to my copy.
21	A. Oh okay.	21	MR. HEGARTY: Thank you.
22	Q. I'm going to read it to you	22	BY MR. HEGARTY:
23	and tell me whether you agree with it.	23	Q. Page 18, second paragraph.
24	A. Okay.	24	I was on Page 18, Doctor.
	Page 543		Page 545
1	Q. "The etiology of most	1	A. You handed it to me like
2	ovarian tumors in general has not been	2	this, sir.
3	well established."	3	Q. Right. On page I'm
4	MS. O'DELL: What page are	4	sorry, Page 21.
5	you on, please?	5	A. This is Page 21.
6	MR. HEGARTY: Page 18.	6	Q. Sorry. Page 21, second
7	BY MR. HEGARTY:	7	paragraph. The statement at the end
8	Q. Do you agree with that	8	reads, "However, the specific mechanisms
9	statement?	9	and cascade of molecular events by which
10	A. Please read it again.	10	talc might cause ovarian cancer have not
11	Q. "The etiology of most	11	been identified."
12	ovarian tumors in general has not been	12	Do you agree with that
13	well established."	13	statement?
14	A. The etiology is has not	14	MS. O'DELL: Objection to
15	been well established. But it has been	15	form.
16	studied. But there okay. I'm done.	16	THE WITNESS: That's a
17	Q. The on page strike	17	statement here.
18	that. On Page 21	18	BY MR. HEGARTY:
19	A. Of my report?	19	Q. Do you agree with that
20	Q. No, of the	20	statement?
21	A. Health Canada.	21	A. Oh, I'm sorry. I'm sorry,
22	Q health assessment states	22	I've lost Page 21, what
	L.		
23 24	the following statement and tell me whether you agree with it.	23 24	Q. Page 21, second paragraphA what paragraph?

	Page 546		Page 548
1	Under	1	today it's not you're not using it to
2	Q. Last two lines.	2	inform your opinions, correct?
3	A. Under	3	A. It is it is support and
4	Q. Under in the biologic	4	validation of my opinions.
5	plausibility section.	5	Q. You referenced IARC and its
6	A. I see it. Thank you.	6	designation of asbestos. What has IARC
7	Q. It read the statement	7	designated talc for genital uses as?
8	reads: The specific mechanisms and	8	MS. O'DELL: Objection.
9	cascade of molecular events by which talc	9	THE WITNESS: I in in
10	might cause ovarian cancer have not been	10	terms of classification, may I
11	identified.	11	look at the document?
12	Do you agree with that	12	BY MR. HEGARTY:
13	statement?	13	Q. Well, they've designated
14	A. Yes, they have not been	14	talc used
15	clearly and conclusively identified.	15	A. Fibrous fibrous
16	Q. But that's not what that	16	Q for perineal use as 2B,
17	sentence reads. My question was do you	17	correct?
18	agree with the sentence that I just read	18	A. 2B, yes. Fibrous talc,
19	to you.	19	correct.
20	A. It is I think it's a	20	Q. You were asked about the
21	sentence taken out of text.	21	deposition of Robert Glenn, correct?
22	Do I agree with the sentence	22	A. The past manager and
23	as it is written? No. I would have to	23	director of NIOSH.
24	add the words, "have not been clearly	24	Q. Yes.
	Page 547		Page 549
1	identified."	1	A. Yes.
2	Q. So you don't agree with	2	Q. Did you read the entirety of
3	everything in the	3	his deposition?
4	A. Or established.	4	A. No, I did not.
5	Q. So you don't agree with	5	Q. Did you agree with
6	everything in Health Canada's risk	6	everything he said in his deposition?
7	assessment, correct?	7	A. I said I did not read the
8	MS. O'DELL: Objection to	8	entirety. I can't answer.
9	form.	9	(Document marked for
10	THE WITNESS: I I do not	10	identification as Exhibit
11	agree with this sentence, correct.	11	Zelikoff-49.)
12	BY MR. HEGARTY:	12	BY MR. HEGARTY:
13		13	
14	Q. You do rely on, for purposes	13	
15	of your opinions in this case, the draft	15	Exhibit 49, portions of the deposition of
16	screening assessment, correct? MS. O'DELL: Objection.	16	Dr. Robert Glenn. If you turn to the
17	THE WITNESS: No. That came	17	first page of that exhibit, Page 482.
18		18	A. Page 482, yes.
19	out well after I handed in my	19	Q. Yes. Mr. Glenn was asked in
	final report, so it was not used	20	the middle of the page, Lines 12 to 14,
20 21	to inform my opinion. It was	20	"Has the data also showed that talcum
22	supporting validation for my	21	powder is not cytotoxic, meaning it
23	opinion. BY MR. HEGARTY:	22	doesn't damage cells?" Mr. Glann answer's "Yes."
24		24	Mr. Glenn answer's, "Yes."
Z 4	Q. So still still through	<u> </u> 44	A. Yes.

	Page 550		Page 552
1	Q. Did you cite that portion of	1	shows that talcum powder is not
	his testimony in your expert report?	2	mutagenic? There is.
3	MS. O'DELL: Objection to	3	Q. Did you cite that portion of
4	form.	4	Mr. Glenn's testimony in your report?
5	THE WITNESS: No.	5	A. No, I did not.
6	BY MR. HEGARTY:	6	Q. If you look at the next page
7	Q. Did you read it?	7	at the top. The question, 2 through 7,
8	A. I said that I did not read	8	with the answer on 8.
9	this in its in its entirety.	9	A. Mm-hmm-hmm.
10	Q. Do you agree with that	10	Q. Did you cite that question
11	sentence?	11	and answer in your report?
12	I'm sorry, do you agree with	12	MS. O'DELL: Object to the
13	his answer to that question?	13	form.
14	MS. O'DELL: Objection to	14	THE WITNESS: I did not cite
15	form.	15	any of Dr. Glenn's information
16	THE WITNESS: To the	16	because I I did not read it in
17	question, "Has the data also	17	detail.
18	showed that talcum powder is not	18	BY MR. HEGARTY:
19	cytotoxic, meaning it doesn't	19	Q. You can put that aside.
20	damage cells?"	20	Is it your testimony that
21	So if the question is do I	21	you're more knowledgeable regarding talc
22	agree with that sentence do I	22	and ovarian cancer than Dr. Neel?
23	agree with his answer of yes,	23	A. No, what my testimony is to
24	there have been data showing, in	24	is that I have extensive knowledge in
	Page 551		Page 553
1	certain circumstances, in certain	1	toxicological aspects, the cytotoxicity
2	cell lines, that talcum powder has	2	of it, and the inflammatory responses
3	not been shown to be cytotoxic at	3	from an from an academic perspective
4	certain concentrations.	4	and a biological mechanism perspective.
5	BY MR. HEGARTY:	5	Q. What is Dr. Neel's knowledge
6	Q. Looking down at the next	6	of the toxicological aspects and the
7	question, 18 through 21, he's asked, "And	7	toxicity of talc?
8	has the data also showed that talcum	8	A. I do not know.
9	powder is not mutagenic, meaning it	9	Q. What's his is he a
10	doesn't mutate genes?"	10	cancer strike that.
11	"Answer: Yes."	11	He is a cancer biologist,
12	Do you agree with his answer	12	correct?
13	to that question?	13	MS. O'DELL: Objection to
14	A. I do not agree. I think	14	form.
15	that the I do not agree with his	15	THE WITNESS: The only thing
16	answer. I think that his that the	16	I know about Dr. Neel is that he
17	question has to be the question in my	17	is the director of the Cancer
18	opinion, it was ambiguous. And I'm not	18	Institute. I am not familiar with
19	sure what he was basing that on in terms	19	his research.
20	of his response.	20	BY MR. HEGARTY:
21	If you if he was looking	21	Q. Have you ever evaluated his
22	at mutagenicity in terms of Ames assays	22	qualifications?
23	or yes, they have not shown mutagenicity.	23	A. No. I was not on the search
24	So is there data that also	24	committee nor do I have access to his CV.

	Page 554		Page 556
1		1	
1	Q. You made statements	1 2	Q. Are you a board-certified
2	indicating that you believe that you are	3	oncologist?
3	more knowledgeable than Dr. Neel	4	A. I am not, never claimed to
4 5	regarding the toxicities of talc. Is that true?	5	be. Ara you a board cartified
6	A. What I do know is that he is	6	Q. Are you a board-certified
7	not a toxicologist.	7	gynecologic oncologist? MS. O'DELL: Wait a minute.
8	Q. Do you know what his area of	8	THE WITNESS: I am not, nor
9	expertise is?	9	have I ever claimed to be.
10	A. He's OB/GYN and oncology.	10	Because
11	Q. Do you know what his level	11	BY MR. HEGARTY:
12	of knowledge is in the area of	12	Q. You were asked you were
13	toxicology?	13	asked about whether you could do
14	A. I do not.	14	whether there could be studies looking at
15	Q. Have you ever met him?	15	risk of cancer in women exposed to
16	A. Yes, I have met him.	16	cobalt, chromium, and nickel. Do you
17	Q. Have you ever talked to him	17	recall those questions?
18	about his qualifications in the area of	18	A. I do.
19	toxicology?	19	Q. Studies looking at exposures
20	A. No, I have not. But I know	20	of metals in humans are done all the
21	he is not a he is not considered a	21	time. They are called retrospective
22	toxicologist by his peers, by colleagues.	22	case-control studies, correct?
23	He is known as a cancer oncologist. He	23	A. They are not done in a
24	is not known or recognized as a	24	laboratory nor is there insertion of
	Page 555		Page 557
1	toxicologist.	1	those metals into humans.
2	Q. Who have you ever asked	2	Q. That's not my question. You
3	who have you ever spoken with regarding	3	said you testified that there is no
4	to Dr. Neel's qualifications as it	4	way that you can do a study looking at
5	relates to toxicology?	5	the effect of nickel in humans. That's
6	A. I have not spoken to him	6	not true, is it?
7	about his qualifications. My answer	7	MS. O'DELL: Objection to
8	comes from the fact that I am an active	8	form. Misstates
9	member in the Society of Toxicology, but	9	THE WITNESS: I'm sorry.
10	nationwide and internationally. And also	10	MS. O'DELL: the question
11	I'm an active member in the International	11	and the testimony.
12	Union of Toxicology and active member in	12	Excuse me, Doctor.
13	the other other toxicology programs	13	THE WITNESS: I was I was
14	and societies.	14	talking about clinical studies and
15	And I have I have not	15	studies in people.
16	seen Dr. Neel at any of these, nor have I	16	BY MR. HEGÂRTY:
17	heard of him being spoken at or about in	17	Q. There are retrospective
18	these in these meetings.	18	case-control studies looking at exposure
19	Q. Do you go to OB/GYN	19	of humans to nickel, correct?
20	conferences?	20	A. That is those are
21	A. I do not.	21	epidemiological studies. My
22	Q. Do you go to oncology	22	understanding of the question that was
23	conferences?	23	asked of me had to do with laboratory
24	A. I do not.	24	studies and intentional exposure.

	Page 558		Page 560
1	Q. Well, can you cite for me	1	is not unethical, but to use it in
2	any epidemiologic studies showing an	2	a clinical study would be
3	increased risk of ovarian cancer in women	3	extremely unethical.
4	exposed to nickel?	4	BY MR. HEGARTY:
5	A. Nickel alone, I have not	5	Q. It would also be appropriate
6	reviewed that. But I do know the IARC	6	to do cell studies looking at nickel,
7	document talks about it as a Class 1	7	cobalt, and chromium in ovarian cancer
8	carcinogen.	8	cells, correct?
9	Q. Can you cite for me, any	9	MS. O'DELL: Objection to
10	retrospective case-control studies,	10	form.
11	showing an increased risk of ovarian	11	THE WITNESS: Alone I'm
12	cancer in women exposed to chromium?	12	sorry. Alone or in combination?
13	A. Chromium alone?	13	BY MR. HEGARTY:
14	Q. Yes.	14	Q. Or all of the above.
15	A. No, I cannot.	15	A. Your question was it would
16	Q. Same question as to cobalt?	16	be unethical to do cell culture studies?
17	A. No, I cannot.	17	Q. Would it be unethical in
18	Q. Can you cite for me any	18	your opinion?
19	case-control studies looking at whether	19	A. Not to do cell culture
20	there's an increased risk of ovarian	20	studies.
21	cancer in women exposed to nickel,	21	Q. Have such studies been done?
22	chromium, and cobalt in combination?	22	A. I'm not sure about the
23	A. I hope I understand your	23	combination. There have been studies, a
24	question right. But what I am what	24	number of studies that have been done in
	Page 559		Page 561
1	I'm saying is yes, there is an increased	1	cell culture. I can't cite them all,
2	risk in exposure to talc because talc	2	because there are numerous that have
3	contains, according to the J&J documents,	3	looked at nickel or cobalt or chromium in
4	and according to other studies that just	4	cell culture studies, and many that have
5	looked at talcum powder products,	5	been done in my own laboratory.
6	contains nickel, cobalt, and chromium in	6	Q. Can you cite to me any such
7	elevated levels.	7	studies that have done those tests in
8	Q. My question is specific to	8	ovarian cells?
9	looking only at exposure to cobalt,	9	A. I'm sorry. When you say
10	nickel, and chromium. Can you cite for	10	"any such studies," do you mean cell
11	me any case-control studies showing an	11	culture studies?
12	increased risk of ovarian cancer in women	12	Q. Yes.
13	exposed to those three metals in	13	A. Well, the Shukla study, the
14	combination?	14	Saed studies.
15	A. No, I can't.	15	Q. So the Shukla and Saed
16	MS. O'DELL: Objection.	16	studies applied nickel, chromium and
17	Asked and answered.	17	cobalt to the cells?
18	BY MR. HEGARTY:	18	A. I'm sorry. I'm sorry. I
19	Q. It would not be unethical to	19	thought you said talcum powder.
20	do such a case-control study, correct?	20	Q. Doctor, listen to my
	MC ODELL Objection	21	question. My question is can, you cite
21	MS. O'DELL: Objection.		
22	THE WITNESS: A case-control	22	for me any culture studies that have

	Page 562		Page 564
1	A. I cannot I have not seen	1	of the first page on the right-hand
2	that literature, no.	2	column.
3	Q. Those studies could be done,	3	A. Yes.
4	correct?	4	Q. The authors state that
5	A. Those studies could be done.	5	the "First, the association is a
6	Q. They could be done in your	6	relatively weak" "a relatively weak
7	laboratory, couldn't they?	7	one; i.e., summary relative risk of
8	A. I have the facilities to	8	approximately 1.3."
9	carry out those studies.	9	Do you agree with that
10	Q. You have not done those	10	statement?
11	studies?	11	MS. O'DELL: Objection to
12	MS. O'DELL: Objection to	12	form.
13	form.	13	THE WITNESS: Number one, I
14	THE WITNESS: Correct.	14	am not an epidemiologist so I'm
15	BY MR. HEGARTY:	15	not testifying to epidemiological
16	Q. You cited to the Cramer 2007	16	odds ratio, whether that is weak
17	study, which I'm marking as Exhibit	17	or not weak.
18	Number 40.	18	BY MR. HEGARTY:
19	(Whereupon, a discussion was	19	Q. The next sentence says,
20	held off the stenographic record.)	20	"Second, no clear increase in risk or
21	(Document marked for	21	duration of use has been found in most
22	identification as Exhibit	22	studies."
23	Zelikoff-50.)	23	Do you agree with that
24	BY MR. HEGARTY:	24	sentence?
	Page 563		Page 565
1		1	
1	Q. I'm marking as Exhibit	1 2	MS. O'DELL: Objection to form.
2	Number 50 the Cramer 2007 study that you	3	THE WITNESS: There are many
4	referred to in response to counsel's	4	studies that do show that duration
	questions.		
5	A. Mm-hmm-hmm.	5 6	plays a role. BY MR. HEGARTY:
6	MS. O'DELL: Objection.		
7 8	That misstates the record. I	7 8	Q. That's not my question. My
	never referred to the Cramer		question is do you agree with that
9	study.	9 10	sentence?
10	MR. HEGARTY: She cited it		A. I see.
11	in response to your questions.	11 12	MS. O'DELL: Objection to
12	MS. O'DELL: No, she did		form. Asked and answered.
13	not. But you may ask questions	13	THE WITNESS: I do not agree
14	about it, but that's not a proper.	14	that there is no clear there is
15	MR. HEGARTY: Well, she	15	some evidence that leads to an
16	cited the Cramer 2007 article.	16	increase in risk associated with
17	BY MR. HEGARTY:	17	duration of use.
18	Q. Do you find this article to	18	BY MR. HEGARTY:
19	be a credible source of information for	19	Q. So you don't agree with that
20	you?	20	sentence?
21	A. It was published in	21	A. So I do not completely agree
22	Obstetrics and Gynecology. That is good	22	with that sentence.
23	journal, reputable journal.	23	Q. The next sentence reads,
24	Q. And if you look at the top	24	"Third, the ability of talc used in the

	Page 566		Page 568
1		1	_
1 2	genital area to enter the pelvic cavity has not been conclusively proven."	2	findings that led to inflammation including an increased number of
3	Do you agree with that	3	follicles, and that goes to
4	sentence?	4	biological plausibility.
5	A. None of these are none of	5	BY MR. HEGARTY:
	these sentences are cited or referenced	6	Q. Did you agree with that
6 7		7	finding?
8	by the way. It has not been conclusively	8	A. That there were increased
9	proven. I agree with the sentence.	9	number of follicles?
10	May I	10	Q. Yes.
11	Q. You cited as well to the	11	A. And the histopathology?
12	Keskin paper. You cited that several	12	That there was foreign body
13	times, including in response to counsel's	13	reactions and that there were infections,
14	questions.	14	I agree with those studies.
15	•	15	Q. Do you agree with the
16	A. Yes, I did. I recall that.	16	statement that the author made that this
17	Q. The Keskin paper was an animal study that did not show tumor	17	
18	•	18	effect seems to be in the form of foreign body reaction or infection rather than a
19	formation from application of talc, correct?	19	neoplastic change?
20		20	1
21	MS. O'DELL: Object to the form.	21	A. I'm sorry, could you tell me where that might be?
22		22	
23	THE WITNESS: If you allow	23	Q. Again, in the conclusion section that we have just been looking
24	me to specifically look for that, please.	24	at.
	•	24	
_	Page 567	_	Page 569
1	BY MR. HEGARTY:	1	A. Mm-hmm-hmm.
2	Q. I'll mark it as Exhibit 51.	2	Well, a foreign body
3	(Document marked for	3	reaction can is an immunological
4	identification as Exhibit	4	response. Whether it's considered a
5	Zelikoff-51.)	5	neoplastic change, likely not. A foreign
6	BY MR. HEGARTY:	6	body reaction does not necessarily is
7	Q. The Keskin paper over in the	7	not necessarily known as a neoplastic
8	conclusion section on Page 927 says that	8	response, correct.
9	with regard to the reported effects of	9	Q. And you you didn't cite
10	talc, "This effect seems to be in the	10	that statement from the Keskin paper in
11	form of foreign body reaction or	11	your report, did you?
12	infection rather than a neoplastic	12	A. Not that I recall.
13	change."	13	Q. Do you agree with the
14	A. Which is inflammation.	14	A. But my my role was to
15	Q. And in this study it showed	15	define biological plausibility. So what
16	no neoplastic changes in any of the	16 17	I did what I did put in my report were
17 18	animal study, correct?	18	the things that indicated to me that there was inflammation.
19	MS. O'DELL: Object to the form.	19	
		20	Q. You agree with the
20 21	You may answer.	20	conclusions from the Taher paper?
22	THE WITNESS: It was he	22	MS. O'DELL: Object to the form.
23	did not find or they did not find	23	
	that there was neoplastic changes,	⊿ 3	Doctor, it's in this stack.
24	but they did find a number of	24	THE WITNESS: Okay. Thank

	Page 570		Page 572
1	you. Oh, thank you.	1	counsel has it. I'll hand it to you. If
2	BY MR. HEGARTY:	2	you'll
3	Q. Second page, Line 34, on the	3	A. Oh. You mean the draft
4	second page.	4	screening assessment?
5	A. In the abstract?	5	Q. Yes. Sorry, I was going to
6	Q. Yes.	6	it by the wrong name. It is Exhibit
7	MS. O'DELL: Give me just a	7	A. 9.
8	moment, I'm sorry. I'll pull out	8	Q. Thank you.
9	my copy.	9	If you'll turn to Page 16.
10	THE WITNESS: I'm sorry,	10	A. I see that, Keskin et al.,
11	should I wait?	11	2009, it's the first statement under
12	MR. HEGARTY: I think Leigh	12	human studies.
13	wants you to wait.	13	Q. Yes. Right above that when
14	MS. O'DELL: Okay. Go	14	it refers to the Keskin and colleagues
15	ahead. I'm sorry.	15	2009. What was the conclusion that the
16	BY MR. HEGARTY:	16	sentence beginning "while no cancer"? Do
17	Q. Do you agree with the	17	you see that above human studies on
18	statement made in Line 34?	18	Page 16?
19	A. Perineal use of talc powder	19	A. The conclusion, "while no
20	is a possible cause of human ovarian	20	cancer"?
21	cancer?	21	Q. Yes.
22	Q. Yes.	22	A. "While no cancer/precancer
23	A. I believe that it's more	23	effects were observed, Keskin and
24	than a possible cause. I believe that	24	colleagues noted the study's duration may
	Page 571		Page 573
1	there's biological plausibility which	1	have been too short to note these types
2	shows that it it could be, it is	2	of effects."
3	linked to human ovarian cancer.	3	Q. And in regard to and
4	Q. So you don't you disagree	4	that that statement's consistent with
5	with that statement?	5	the statements that you've included in
6	A. One could say that, taking	6	your report, fair?
7	it literally, that it is certainly a	7	MR. HEGARTY: Objection to
8	possible cause. I just believe that it	8	form.
9	is greater than a possible cause.	9	THE WITNESS: Yeah.
10	MR. HEGARTY: Okay. Thank	10	BY MS. O'DELL:
11	you. I think that's it for my	11	Q. And then secondly you were
12	time.	12	asked a question, several questions about
13	MS. O'DELL: Okay.	13	the actual Keskin paper itself. And I
14		14	think it's still in front of you. Do you
15	EXAMINATION	15	see that? It's Exhibit 51. Yeah,
16	DV MC OIDELL	16	Exhibit 51.
17	BY MS. O'DELL:	17	A. This is it, thank you.
18	Q. Doctor, I just have two	18	Q. Okay. And I'll turn you to
19	questions for you.	19 20	the conclusion please, Dr. Zelikoff.
20	I think you had the causal		A. That is on Page 930?
21	assessment in front of you. A. Do you mean the Taher?	21 22	Q. It's 927 actually. One of the conclusions, at least the ones I I
2.7			the conclusions, at least the olles I I
22			
22 23 24	Q. No, ma'am. The actual causal assessment actually I think	23 24	was looking at. 927. Do you see that?

	Page 574		Page 576
1	A. I see.	1	dissolved in DMSO.
2	Q. And counsel directed your	2	Q. Is is the data included
3	attention to the sentence that said,	3	in this manuscript, was that part of
4	"However this effect seems to be in the	4	the the data you relied on in abstract
5	form of foreign body reaction or	5	in reaching your opinions in this case?
6	infection rather than neoplastic change."	6	A. In abstract form, yes. That
7	Do you see that? Recall	7	was all that was that was available
8	those questions	8	since this only came out a few weeks ago.
9	A. In the conclusion section?	9	MS. O'DELL: Okay. I have
10		10	· · · · · · · · · · · · · · · · · · ·
11		11	nothing further. THE WITNESS: Accepted for
12	A. On Page O. 927.	12	
13		13	E-press a few weeks ago.
14		13	MS. O'DELL: Okay. I have
15	to be in the form of a foreign body	15	nothing further.
16	reaction or infection rather than a	16	
	neoplastic change."		EXAMINATION
17	Yes, I see that.	17	DV MD LIECADEV.
18	Q. And if you'll look to the	18	BY MR. HEGARTY:
19	next sentence, what also did the authors	19 20	Q. Dr. Zelikoff, in looking at
20	conclude?	21	the Keskin paper, in in particular at
21	A. "Results of previous studies	22	the portion of the conclusions section
22	are in favor of a neoplastic effect,	23	that counsel asked you to read A. Yes.
24	particularly in the ovaries."	24	
24	And they conclude that more	24	Q the results of previous
	Page 575		Page 577
1	experimental and clinical studies are	1	studies, that sentence?
2	warranted.	2	A. Yes, I see it on Page 927.
3	Q. All right. And one other	3	Q. Can you cite for me any
4	question. You were asked about the Saed	4	previous studies to Keskin which were in
5	studies regarding talc and cell culture,	5	favor of a neoplastic effect?
6	both ovarian cancer cells and regular	6	A. Culture cell studies that
7	cells.	7	have looked at proliferation, increased
8	A. Yes. I recall.	8	proliferation which was seen in the Saed
9	Q. And you were asked earlier	9	studies and in the abstract.
10	about the manuscript that's been marked	10	Proliferation is one hallmark of the
11	as	11	carcinogenic process.
12	A. Exhibit 8.	12	Q. Doctor, listen to my
13	Q Exhibit 8.	13	question. This publication was in 2008.
14	Is it is it turn to	14	A. Okay. I'm sorry.
15	Page 5 of the manuscript please.	15	MS. O'DELL: 2009 I believe,
16	A. I see it.	16	but go ahead.
17	Q. And looking at the top, did	17	THE WITNESS: 2009.
18	Dr. Saed use Johnson's Baby Powder as a	18	BY MR. HEGARTY:
19	part of the his treatment of cells?	19	Q. Received December 2009.
20	A. Yes. It's Page 5, top,	20	Published 2009.
21	treatment of cells, talcum powder from	21	The sentence reads: The
22	Fisher Fisher Scientific or Baby	22	results of previous studies before 2009
23 24	Powder from Johnson & Johnson, and the numbers of the lots are given were	23 24	are in favor of neoplastic effect. What studies are they

	Page 578		Page 580
1	referring to?	1	INSTRUCTIONS TO WITNESS
2	A. I don't know because it's	2	
3	not referenced.	3	Please read your deposition
4	MR. HEGARTY: I don't have	4	over carefully and make any necessary
5	any additional questions.	5	corrections. You should state the reason
6	MS. O'DELL: Nothing	6	in the appropriate space on the errata
7	further, Doctor.	7	sheet for any corrections that are made.
8	THE VIDEOGRAPHER: Stand by	8	After doing so, please sign
9	please. This marks the end of	9	the errata sheet and date it.
10	today's deposition. The time is	10	You are signing same subject
11	9:03 p.m. Off the record.	11	to the changes you have noted on the
12	(Excused.)	12	errata sheet, which will be attached to
13	(Deposition concluded at	13	your deposition.
14	approximately 9:03 p.m.)	14	It is imperative that you
15		15	return the original errata sheet to the
16		16	deposing attorney within thirty (30) days
17		17	of receipt of the deposition transcript
18		18	by you. If you fail to do so, the
19		19	deposition transcript may be deemed to be
20		20	accurate and may be used in court.
21 22		21 22	
23		23	
24		24	
21	Daga 570	24	Dago F01
	Page 579		Page 581
1 2	CERTIFICATE	1	
3			ERRATA
4 5	I HEREBY CERTIFY that the	2 3	
	witness was duly sworn by me and that the	4	PAGE LINE CHANGE
6	deposition is a true record of the	5	TAGE LINE CHANGE
7	testimony given by the witness.	6	REASON:
	It was requested before	7	
8	completion of the deposition that the witness, JUDITH ZELIKOFF Ph.D., have the	8	REASON:
9	opportunity to read and sign the	9	
	deposition transcript.	10	REASON:
10 11		11	
12		12	REASON:
1 7	MICHELLE L. GRAY,	13	DE A CON
13	A Registered Professional Reporter, Certified Shorthand	14 15	REASON:
14	Reporter, Certified Realtime	16	DEASON:
15	Reporter and Notary Public Dated: January 23, 2019	17	REASON:
16	Dated. January 23, 2017	18	REASON:
17		19	READON.
18 19	(The foregoing certification of this transcript does not apply to any	20	REASON:
20	reproduction of the same by any means,	21	
21 22	unless under the direct control and/or supervision of the certifying reporter.)	22	REASON:
23	supervision of the certifying reporter.)	23	
24		24	REASON:

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ACKNOWLEDGMENT OF DEPONENT 1		Page 582
ACKNOWLEDGMENT OF DEPONENT L	1	
1		ACKNOWLEDGMENT OF DEPONENT
I		
6 foregoing pages, 1 - 583, and that the 7 same is a correct transcription of the 8 answers given by me to the questions 9 therein propounded, except for the 10 corrections or changes in form or 11 substance, if any, noted in the attached 12 Errata Sheet. JUDITH ZELIKOFF Ph.D. DATE		I,, do
6 foregoing pages, 1 - 583, and that the 7 same is a correct transcription of the 8 answers given by me to the questions 9 therein propounded, except for the 10 corrections or changes in form or 11 substance, if any, noted in the attached 12 Errata Sheet. JUDITH ZELIKOFF Ph.D. DATE	5	hereby certify that I have read the
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